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THE  
*POLITICAL REGISTER.*

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VOLUME I.



THE  
*Political Register*;  
OR,  
PROCEEDINGS  
IN THE  
*SESSION OF CONGRESS,*  
COMMENCING NOVEMBER 3<sup>d</sup>, 1794, AND  
ENDING MARCH 3<sup>d</sup>, 1795.

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WITH  
*An APPENDIX,*  
CONTAINING  
A SELECTION OF PAPERS  
LAID BEFORE CONGRESS DURING THAT PERIOD.

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By JAMES THOMSON CALLENDER.

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VOL. I.

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PHILADELPHIA,  
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M.DCC.XCV

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## P R E F A C E.

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THE first sketch of this publication consisted of notes taken last winter, in the House of Representatives of Congress, for the Philadelphia Gazette. This circumstance will explain the reference which sometimes occurs, in the course of these debates, to that particular newspaper.

The value of a work like the present depends entirely upon its accuracy, and hence it becomes proper to give some account of the materials that form the present volume. In the first place, the Journals severally printed by the Senate and House of Representatives, have, with a very few abbreviations of the official file, been incorporated into the text. As to the debates in the House of Representatives,

tatives, I attended every day, during the whole Session, and I have done whatever was in my power to give a candid account of what passed in that place. It was beyond my expectation to be either entirely accurate or complete. The Journal of the House hath since enabled me to correct a variety of minute mistakes that were inevitable in the haste of a daily publication. The kindness of the members afforded considerable assistance. The speech of Mr. Vans Murray, on the 25th of November, is now, by the help of his notes, published complete for the first time. It was, at that time, mentioned in the Philadelphia Gazette, that part of his remarks had been omitted from an absolute want of leisure either to transcribe or print them. The observations made by Mr. Ames, on the 26th of November were chiefly taken from his own notes. The speech of Mr. Giles on the same day, was afterwards published, and, as it appears, from his notes, in the General Advertiser. Another sketch of it had previously been inserted in the Philadelphia Gazette; and from the latter a few sentences are now added to the former, so that his remarks  
appear

appear at present in a more complete shape than they did in either of the preceding publications. The speech of Mr. Sedgwick, on the 25th of November, is an instance of the same kind, a sketch of it having also been published from his own manuscript in the Gazette of the United States. That of Mr. Dexter on the same day, was written out by himself for the same newspaper, and is reprinted here without any alteration whatever. The speech of Mr. Christie, on the 25th of November, I received in manuscript from that gentleman himself, he having, at my particular request, taken the trouble to transcribe it. During last winter, repeated notice was given in the Philadelphia Gazette, as well as to several Members personally, that any corrections of incidental mistakes would be carefully inserted. Not more than five or six were offered, and this forms a presumption that the inaccuracies were neither numerous nor important.

In the Appendix are added a Selection of Papers, that seemed to deserve publication. The letters from General Wayne of the 14th and 28th of August, 1794, with some of the  
2  
depositions

depositions that follow them, have been already printed, but they were so connected with some other articles in this Appendix, that it has been thought expedient for the sake of completeness to re-publish the whole.

If this publication shall meet with a favourable reception, a continuation of it will appear, in a few months.

PHILADELPHIA, }  
29th May, 1795. }

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#### ERRATUM.

Page 118, line 1, for 28th of November, read, 26th of November.



## *Political Register.*

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ON Monday, the third of November, One Thousand, Seven Hundred, and Ninety-four, being the day appointed by law for the meeting at Philadelphia of the second session of the third Congress, held under the constitution of government of the United States, the following members of the House of Representatives appeared, and took their seats, to wit; from

*New-Hampshire*, Nicholas Gilman, Jeremiah Smith, and Paine Wingate.

*Massachusetts*, Fisher Ames, David Cobb, Henry Dearborn, Dwight Foster, Benjamin Goodhue, Samuel Holten, George Thatcher, Peleg Wadsworth, and Artemas Ward.

*Connecticut*, Joshua Coit, Amasa Learned, Zephaniah Swift, Uriah Tracey, and Jonathan Trumbull.

*Vermont*, Israel Smith.

*New-York*, Theodorus Bailey, Philip Van Cortlandt, and John Watts.

*New-Jersey*, John Beatty, and Elias Boudinot.

*Pennsylvania*, Thomas Hartley, John Wilkes Kittera, Frederick A. Muhlenburgh, (*Speaker*) and Peter Muhlenburgh.

*Maryland*, Gabriel Christie, and George Dent.

B

*Virginia*,

*Virginia*, Isaac Coles, Samuel Griffin, John Heath, Joseph Neville, Anthony New, Josiah Parker, and Robert Rutherford.

*Kentucky*, Christopher Greenup.

*North-Carolina*, Thomas Blount, William Johnston Dawson, Nathaniel Macon, and Alexander Mebane.

*South-Carolina*, William Smith.

*Georgia*, Abraham Baldwin.

But a quorum of the whole number not being present, the House adjourned till to-morrow forenoon, at eleven o'clock.

The present House of Representatives of Congress consists of an hundred and five members. By the fifth Section of the first article of the Constitution, it is enacted, that "a majority of each house shall constitute a quorum to do business." Only forty-three gentlemen appeared this day, and the Constitution required fifty-three.

TUESDAY, the 4th of NOVEMBER, 1794.

Several other members, to wit; from

*Rhode-Island*, Francis Malbone;

*New-York*, Henry Glen, James Gordon, and John E. Van Allen;

*New-Jersey*, Jonathan Dayton;

*Pennsylvania*, Thomas Fitzsimmons;

*Delaware*, Henry Latimer;

*Maryland*, William Vans Murray;

*Virginia*, George Hancock, Richard Bland Lee, James Madison, Andrew Moore, Francis Preston, and Francis Walker;

And from *North Carolina*, Matthew Locke, appeared and took their seats in the House.

And a quorum, consisting of a majority of the whole number, being present, it was, on the motion of Mr. Parker,

*Ordered,*

## POLITICAL REGISTER.

*Ordered*, That a message be sent to the Senate, to inform them that a quorum of this House is assembled, and ready to proceed to business; and that the Clerk of this House do go with the said message. He returned with notice, that the Senate had not been able to form a quorum.

The House adjourned till to-morrow forenoon, at eleven o'clock.

WEDNESDAY, the 5th of NOVEMBER, 1794.

Several other members, to wit; from

*New-Hampshire*, John S. Sherburne;

*Massachusetts*, William Lyman;

*Connecticut*, James Hillhouse;

*Vermont*, Nathaniel Niles;

*New-York*, Ezekiel Gilbert;

*Maryland*, William Hindman;

*Virginia*, Thomas Claiborne;

And from *Georgia*, Thomas P. Carnes, appeared, and took their seats in the House. Notice was received that the Senate had not yet been able to form a quorum.

Upon this Mr. Dayton moved that a committee should be appointed to examine the business left unfinished last session, and report to the House. He saw no reason for losing time, by waiting for the Senate.

Mr. Goodhue objected to the motion, as improper.

Mr. Dayton challenged the gentleman to point out wherein the impropriety consisted. For two or three weeks, the House of Representatives would have full employment, while the Senate, in reality, had none. He was positive as to the legality and expediency of proceeding.

The Speaker put the question, and the ayes and noes were equal, each being twenty-five. The Speaker then informed the House that as a quorum

of their number were not present, it would be requisite to adjourn.

The House rose immediately; after adjourning till to-morrow at eleven o'clock. Two members were wanting this day, for making up an acting number.

In the British House of Commons, forty members make a quorum. The whole number is five hundred and fifty-eight; so that a *fourteenth* part of them can transact the public business. The House of Peers has about two hundred and sixty members. No quorum at all is here requisite. A very important question, the tobacco excise bill, was decided some years ago, by *ten* voices against *seven*.

The rule in the American Constitution is undoubtedly much better.

THURSDAY, the 6th of NOVEMBER, 1794.

Two other members, to wit; from *Massachusetts*, Peleg Coffin;  
And from *Virginia*, John Nicholas, appeared, and took their seats in the House.

It seemed to be the opinion of the members to defer proceeding to business, till the Senate should be able to form a quorum. They have accordingly adjourned till to-morrow at eleven o'clock.

FRIDAY, the 7th of NOVEMBER, 1794.

Several other members, to wit; from *Pennsylvania*, James Armstrong and William Montgomery;  
*Virginia*, William B. Giles;  
*North Carolina*, Joseph Winston;  
And from *South Carolina*, John Hunter, appeared, and took their seats in the House.

On

On a motion made by Mr. Dayton, it was *Resolved*, by a majority of forty-one, That a standing committee of elections be appointed, whose duty it shall be to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House; and to take into their consideration, all such matters as shall or may come in question, and be referred to them by the House, touching returns and elections, and to report their proceedings, with their opinion thereupon, to the House.

The number of seven was then proposed and agreed to. The gentlemen appointed are Mr. Dayton, Mr. Hillhouse, Mr. Sherburne, Mr. Dent, Mr. Lee, Mr. Macon, and Mr. Hunter.

The clerk read a letter from Annapolis to the Speaker, inclosing a letter from Mr. John Francis Mercer, with his resignation of his seat in Congress, and a return of Gabriel Duvall, as duly elected member for the third district of Maryland, in the room of Mr. Mercer. On motion by Mr. Dent, these communications were referred to the committee of elections. The letter from Mr. Mercer stated, that some distress in his family had made it inconvenient for him to attend in Congress; and that he could not, consistently with propriety, continue to hold his office, when incapable of executing its duties.

Mr. Goodhue then asked whether there was any further notice from the Senate, as to their forming a House. The Speaker answered that twelve members only were yet met, and that there was no prospect of their being a House made till Monday next.

It was then moved, that when the House do adjourn, it be till Monday next, at eleven o'clock, which was agreed to. The House then adjourned at twelve o'clock.

MONDAY, the 10th of NOVEMBER, 1794.

Several other members, to wit; from  
*New-York*, Thomas Tredwell;  
*New-Jersey*, Lambert Cadwallader;  
*Pennsylvania*, John Smilie;  
*North-Carolina*, William Barry Grove and Joseph  
 M'Dowell;  
 And from *South-Carolina*, Richard Winn, appeared  
 and took their seats in the House.

The Speaker informed the House, that the Senate were not yet able to make a quorum. Fifteen members only had appeared. One more was necessary.

A motion was then made for the House going into a committee to consider the rules for chusing committees upon election business.

Dr. Beatty, of New-Jersey, asked why the House of Representatives should wait any longer for the Senate making a quorum? It had been said that we cannot go on till the Senate are also ready, because we are forbidden by the Constitution. The Constitution says no such thing. This House has already waited a week for the Senate; and it is impossible to conjecture how much longer it may be obliged to wait, by this method of proceeding.

Mr. Boudinot wanted to learn, whether it was proper to have appointed a new Election Committee. He greatly doubted it.

The Speaker said, that the new committee was formed upon this principle, that the business before the last committee should begin *de novo*. Perhaps this point had not been sufficiently adverted to, when the resolution passed last week for appointing a new one.

Mr. Boudinot thought that there would arise a considerable inconvenience from all the business beginning

ginning over again. Persons who had objected to the return of a member of that House, for example, would have to present a new petition, to the new committee, and so on.

Mr. Nicholas did not think that this inference, drawn by Mr. Boudinot, followed from the appointment of a new committee.

Mr. Dayton differed entirely from Mr. Boudinot. Petitions were not addressed to A. B. C. D. E. as members of the Committee of Elections, but to such a committee *in general*. Therefore the new one would take up the business, as their predecessors had left it.

Mr. Boudinot replied to explain.

Mr. Lyman considered it as a most absurd idea, that there should be any such thing as a standing Election Committee, for the whole Congress. Was public business to stand still for the arrival of members dispersed perhaps all over the continent. When a session ended, what farther concern had they with keeping of papers? It was their duty to give them back to the clerk, with a report of what progress they had made; and the House, when it met again, could proceed, whether these members were present or not.

The Speaker, at the desire of Mr. Lee, gave his opinion as to the point of form. He said that it had been the practice of that House to name a standing Committee of Elections, to last for the whole period of the duration of Congress. But he recommended, as the most regular method, to determine, in the first place, whether it was proper to proceed without the Senate, or not?

When once the House had decided on its own competency for doing business, it would then be soon enough to determine what business should be done.

Mr. Goodhue moved to adjourn. For all the time that would now be additionally lost, it was not worth while to decide the question.

It was observed that there was no instance in the continent, where one House proceeded to business without the other.

Mr. Dayton, in reply, observed, that Mr. Goodhue had made a daily, or near about a daily motion for adjournment, ever since the House began to meet. He had at this time understood that the principle of the adjournment had been given up, and he must confess that he did not expect to hear any arguments for adjournment, on the score of *expediency*. The House divided on the motion of Mr. Goodhue.

For adjourning,	ayes	33
	noes	35
		<hr/>

Majority against adjourning	3
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On motion, by Mr. Dayton, it was *Ordered*, That a committee be appointed to examine the Journal of the last session, and to report therefrom, all such matters of business as were then depending and undetermined; and also to examine and report such laws of the United States as have expired, or will expire before the next session. A committee was appointed of Mr. Boudinot, Mr. Tracey, and Mr. Kittera.

Dr. Beatty moved, that the report of the Secretary at War, on the case of Peter Covenhoven should be read. This report was dated the 21st of February, 1793. It was read by the clerk.

It was then read a second time, and a motion made by Dr. Beatty, to bring in a bill for the relief of Mr. Covenhoven.

This was negatived.



Mr. Parker then presented a memorial for Moses Myers of Norfolk, in the state of Virginia, and a protest which were both read by the clerk.

The memorial stated that the memorialist had purchased, and actually paid a great part of the duty down, at the custom-house at Norfolk, for a quantity of goods which were on board of a French seventy-four gun ship in Hampton roads. He sent down a ship to bring them up. She was overset, and the whole went to the bottom, as appeared from the protest, also read, made by a notary in name of the master, who, along with a sailor, subscribing the protest, swam ashore, for their lives. Mr. Parker stated the hardship of taking duties from a merchant for ship-wrecked goods. Redress had last session been granted, in two cases of this kind, by Congress. He hoped for another instance of the same sort. Mr. Myers would have to pay up that part of the duty on these goods not yet paid, on the 14th of this month, at the custom-house at Norfolk.

The House agreed to appoint a special committee to examine and report. Mr. Parker, Mr. Watts, and Mr. Coffin, were accordingly named. Dr. Beatty then declared himself at a loss to discover why there should be a distinction between the report on the petition of Peter Covenhoven, and the petition of Moses Myers. The former had an equal claim with the latter to legislative attention. On a motion for that effect, by Dr. Beatty, it was ordered, that the petition and report be referred to a committee of the whole House to-morrow.

Mr. Claibourne laid the following motion on the table, viz. that a committee be appointed to revise all the laws which have been passed since the adoption of the constitution, relative to the military establishment of the United States, the arrangements of the militia, their pay, &c. Adjourned.

TUESDAY,

TUESDAY, the 11th of NOVEMBER, 1794.

Two other members, to wit ; from *Massachusetts*, Shearjashub Bourne ; And from *New-York*, Peter Van Gaalbeck, appeared, and took their seats in the House.

The Speaker laid before the House, a letter from James White, inclosing the credentials of his appointment, as a representative of the territory of the United States south of the river Ohio, in the Congress of the United States, according to the ordinance of Congress of the 13th of July, 1787, which were read. They were read a second time, on a motion by Mr. Blount for that purpose. Mr. Blount then moved, that a committee should be appointed to examine the peculiarities of this case, as it did not come within the common business of the election committee.

The House agreed to this proposal, and a committee of five members, Mr. Baldwin, Mr. Gilbert, Mr. Walker, Mr. Swift, and Mr. Jeremiah Smith, were appointed to examine and report.

The Speaker informed the House that one senator was yet wanting to the making of a quorum. The Senate consists of thirty members, of whom only fifteen have yet (Tuesday) made their appearance ; of consequence, a majority is wanting. The Vice-President has, it is true, arrived, but he is not, strictly speaking, a senator. He does not give a vote in questions that come before the Senate, unless the voices, on a division, are equal.

Mr. Boudinot, from the committee appointed to examine the journal of the last session, and to report therefrom all such matters of business as were then depending and undetermined ; and also to examine and report such laws of the United States as have expired, or will expire before the next session, made  
a report

a report in part, which was read, and ordered to lie on the table. His report referred only to unfinished bills, that respecting an uniform system of bankruptcy throughout the United States, that for providing for sick and disabled seamen; and the report of the committee appointed to prepare rules and regulations for the House.

On motion of Mr. Tracy, the rules and regulations reported last session, were read a first and second time, and referred to a committee of the whole House. He was asked what day he preferred? He thought it proper to proceed immediately.

Mr. Murray informed the House, that Mr. Duvall, the new member from Maryland, was now attending to take his seat.

Mr. Nicholas observed, that he saw no reason for delaying the admission of the gentleman. He understood that the committee of elections had the case of Mr. Mercer's resignation under their consideration, and would report immediately, and he understood that the report would be in favour of the gentleman. He did not see the use for so much more ceremony in this case than in that of preceding members. They had all been admitted first, and their credentials examined afterwards.

Some remarks fell from Mr. Lee respecting precedent. Mr. Mercer had formerly taken a seat in much the same way, in the room of Mr. Pinckney. The proceedings on this case were read by the clerk.

Mr. Macon said, that if gentlemen would only have patience for ten minutes, they would have the report of the committee ready.

Mr. Dayton immediately after presented this report. A question occurred whether or not it should be read.

Mr. Madison was for the report being read. It would only delay the admission of the gentleman for a few

a few minutes. It was therefore better to receive it, and then take him in. There was a question, if Mr. Mercer was now to appear before the House, could he take his seat? Mr. Madison would not undertake to answer the question. It was a delicate one. He would have the report read. If it was favourable, act as concurring with it. If not so, lay it aside, and admit the member from Maryland to qualify without taking any notice of it.

Mr. Parker could see no reason why the member might not take his place directly. The House had yesterday full evidence laid before them, under the sanction of the legislature of Maryland, that Mr. Mercer had vacated his seat. In his room here comes a gentleman with proper credentials. Why hesitate in accepting him? Mr. Parker was sorry that any discussion had taken place on the subject.

Mr. Madison was still for reading the report of the committee. His object was to accelerate the reception of the gentleman, which would *inevitably* and *properly* take place. If the House were to admit him to qualify, without first reading the report, it might hereafter be asked, Why was a report made at all, when the House refuse to read it? It might, on a future occasion, be said, "Perhaps that report has been unfavourable, and the House have contradicted the report of their own committee."

The report was read accordingly. A vacancy, and a due re-election were declared. The report was then read a second time; and accepted. The member was qualified in common form.

Mr. Tracy then reminded the House of his proposal for immediately going into a committee of the whole, on the rules and regulations.

Mr. Madison objected to going into the business abruptly. For his own part, he had lost, or mislaid his copy of the regulations. He would certainly  
not

not object, on his own account. If there was nobody else in the same situation, he would not mention *that* as any reason to stop their going on. But he was afraid that some other gentlemen were in the same situation.

Mr. Goodhue declared himself in a similar predicament.

Mr. Tracy. "If we are like school-boys, and have lost *our books*, I can have no objection to the "procuring of *new ones*!" It was then agreed to print the rules and regulations over again, for the use of the members. The House goes into a committee on this subject to-morrow.

The order of the day on the petition of Peter Covenhoven was deferred till to-morrow.

Adjourned at one o'clock.

WEDNESDAY, the 12th of NOVEMBER, 1794.

Another member, to wit;

Carter B. Harrison, from *Virginia*, appeared, and took his seat in the House.

A memorial from Andrew Taylor, of Ulster county, in the state of New-York, was presented to the House by Mr. Watts, and read, praying the liquidation and settlement of a claim for his services as a deputy quarter-master in the army of the United States, during the late war.

The memorial was referred to the Secretary of the Treasury, with instruction to examine it, and make report to the House.

A petition of Samuel Emery, merchant in Philadelphia, was presented by Mr Fitzsimmons, and read, praying that a new register may be granted in the case of the brig Lucy, an American bottom, which was sold in the year 1792, to a person not a citizen of the United States; it being omitted in the bill of  
sale

sale of the said brig, to insert a copy of the register, in consequence of which omission, the Collector of the port of Philadelphia conceives himself unauthorised to grant a new register.

*Ordered,* To lie on the table.

The House, according to the order of the day, resolved itself into a committee, Mr. Trumbull in the chair, on the report of the committee appointed to prepare and report such standing rules and orders of proceeding as are proper to be observed in the House; and after some time spent therein, the Speaker resumed the chair, and Mr. Trumbull reported, that the committee had, according to order, had the said report under consideration, and made several amendments thereto, which he delivered in at the clerk's table.

The report, with the amendments, was ordered to lie on the table.

The order of the day was further postponed until to-morrow. Adjourned at two o'clock.

THURSDAY, the 13th of NOVEMBER, 1794.

Two other members, to wit;

Andrew Gregg and Daniel Heister from *Pennsylvania*, appeared, and took their seats in the House.

A resolution past, that each member shall be supplied with three daily newspapers. It was mentioned, that some applications had been made by a few particular members for leave to have newspapers from the southern or eastern states, as part of this number. This was objected to, as putting the executive to a needless additional expence. It was therefore subjoined, as an amendment to the motion, that they should be newspapers "of this city."

Mr. Nicholas thought that economy was highly proper on this, as well as other points. He therefore

fore moved to strike out the word *three* from the motion, and substitute *two*. He considered one morning and one evening paper as sufficient for the information of the members.

Mr. Tracy said that it was all together but a small affair; some gentleman had, as he understood, already bespoke three papers, under the expectation that the same number would be granted during this session, as during the last.

Mr. Nicholas then observed, that he would not press his amendment on the House. It was accordingly withdrawn.

A petition of George Campbell, of the state of Maryland, was presented to the House by Mr. Dent, and read, praying compensation for his services as a captain of artificers, in the army of the United States, during the late war.

*Ordered*, To lie on the table.

The Speaker laid before the House, a letter from the Treasurer of the United States, accompanying his account of receipts and expenditures for the war department, from the 1st of April to the 30th of June, 1794, inclusive, which were read, ordered to lie on the table, and to be printed.

The House proceeded to consider the amendments, reported yesterday, from the committee of the whole House, to whom was referred the report of the committee appointed to prepare and report such standing rules and orders of proceeding as are proper to be observed in this House; and the said amendments being twice read at the clerk's table, were, on the question severally put thereupon, agreed to by the House.

The said report, as amended, being then again read, and further amended at the clerk's table:

*Resolved*, That the following be established as the standing rules and orders of this House, to wit:

*Standing Rules and Orders of the House of Representatives of the United States.*

FIRST,—TOUCHING THE DUTY OF THE SPEAKER.

He shall take the chair every day, at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

He shall preserve decorum and order; may speak to points of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members.

He shall rise to put a question, but may state it sitting.

Questions shall be distinctly put in this form, to wit; “As many as are of opinion that (as the question may be) say Ay:” and after the affirmative voice is expressed,—“As many as are of a contrary opinion, say No.” If the Speaker doubts, or a division be called for, the House shall divide; those in the affirmative of the question, shall first rise from their seats, and afterwards those in the negative: If the Speaker still doubts, or a count be required, the Speaker shall name two members, one from each side, to tell the numbers in the affirmative, which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise, and state the decision to the House.

All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the



House shall proceed to a second ballot, in which a plurality of votes shall prevail ; and in case a greater number than are required to compose or complete the committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

In all cases of ballot by the House, the Speaker shall vote ; in other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal, and in case of such equal division, the question shall be lost.

All acts, addresses, and joint resolutions shall be signed by the Speaker ; and all writs, warrants, or subpoenas issued by order of the House, shall be under his hand and seal, attested by the clerk.

In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker (or chairman of the committee of the whole House) shall have power to order the same to be cleared.

SECONDLY,—OF DECORUM AND DEBATE.

When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to Mr. Speaker.

If any member in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order ; in which case the member so called to order, shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide on the case, but without debate : If there be no appeal, the decision of the chair shall be submitted to : If the decision be in favour of the member called to order, he shall be at liberty to proceed ; if otherwise, and the case require it, he shall be liable to the censure of the House.

When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

No member shall speak more than twice to the same question, without leave of the House; nor more than once, until every member choosing to speak, shall have spoken.

Whilst the Speaker is putting any question, or addressing the House, none shall walk out of, or across the House; nor either in such case, or when a member is speaking, shall entertain private discourse; nor whilst a member is speaking, shall pass between him and the chair.

No member shall vote on any question, in the event of which he is immediately and particularly interested; or in any other case where he was not present when the question was put.

Upon a division and count of the House on any question, no member without the bar shall be counted.

Every member who shall be in the House when a question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

When a motion is made and seconded, it shall be stated by the Speaker, or being in writing, it shall be handed to the chair, and read aloud by the clerk, before debated.

Every motion shall be reduced to writing, if the Speaker or any member desire it.

After a motion is stated by the Speaker, or read by the clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.

When a question is under debate, no motion shall be received, unless to amend it, to commit it, for the previous question, to postpone it to a day certain, or to adjourn.

A motion to adjourn shall be always in order, and shall be decided without debate.

The

The previous question shall be in this form, "Shall the main question be now put?" It shall only be admitted when demanded by five members; and until it is decided, shall preclude all amendment and further debate of the main question.

On a previous question, no member shall speak more than once without leave.

Any member may call for the division of a question, where the sense will admit of it.

A motion for commitment, until it is decided, shall preclude all amendment of the main question.

Motions and reports may be committed at the pleasure of the House.

No new motion or proposition shall be admitted under colour of amendment, as a substitute for the motion or proposition under debate.

When the reading of a paper is called for, which had before been read to the House, and the same is objected to by any member, it shall be determined by a vote of the House.

The unfinished business in which the House was engaged at the time of the last adjournment, shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of.

In all other cases of ballot, than for committees, a majority of the votes given shall be necessary to an election; and when there shall not be such majority on the first ballot, the ballot shall be repeated until a majority be obtained.

In all cases when others than members of the House may be eligible, there shall be a previous nomination.

If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who has spoken twice on the day pre-

ceding, shall be permitted again to speak without leave.

Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise; but shall lie on the table, to be taken up in the order they were read.

Any fifteen members (including the Speaker, if there is one) shall be authorized to compel the attendance of absent members.

Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

No member shall absent himself from the service of the House, unless he have leave, or be sick, and unable to attend.

Upon a call of the House, the names of the members shall be called over by the clerk, and the absentees noted; after which, the names of the absentees shall be again called over, the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of the House, be taken into custody, as they appear, or may be sent for, and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

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When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with, or without paying fees: and in like manner, whether a delinquent member, taken into custody by a special messenger, shall, or shall not, be liable to defray the expence of such special messenger.

A Serjeant-at-arms shall be appointed, to hold his office during the pleasure of the House, whose duty shall be to attend the House during its sitting; to execute the commands of the House, from time to time, either by himself, or a special messenger, to be by him appointed for that purpose, together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

The fees of the Serjeant-at arms shall be, for every arrest, the sum of two dollars; for each day's custody and releasement, one dollar; and for travelling expences of himself, or a special messenger, going and returning, one-tenth of a dollar per mile.

Two standing committees shall be appointed at the commencement of each session, to consist of seven members each, to wit;

A Committee of Elections, and

A Committee of Claims.

It shall be the duty of the said Committee of Elections to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters, touching election and returns, as shall or may be presented, or come in question, and be referred to them by the House.

It shall be the duty of the said Committee of Claims, to take into consideration all such petitions and matters or things touching claims or demands on the United States, as shall be presented, or shall or may come in question, and be referred to them by the  
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the House, and to report their opinion thereupon, together with such propositions for relief therein, as to them shall seem expedient.

No committee shall sit, during the sitting of the House, without special leave.

The clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities; and shall be deemed to continue in office, until another be appointed.

It shall be the duty of the clerk of the House, at the end of each session, to send a printed copy of the journal thereof to the executive, and to each branch of the legislature of every state.

Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members and its officers, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House, that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared till the communication be made; the House shall then determine, whether the matter communicated requires secrecy or not, and take order accordingly.

#### THIRDLY,—OF BILLS.

Every bill shall be introduced by motion for leave, or by an order of the House, on the report of a committee; and in either case, a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice, at least, shall be given of the motion to bring in a bill; and every such motion may be committed.

Every

Every bill shall receive three several readings in the House, previous to its passage; and all bills shall be dispatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House.

The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall the bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and if committed, then a question shall be, whether to a select committee, or to a committee of the whole House; if to a committee of the whole House, the House shall determine on what day. But if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time. After commitment and report thereof to the House, a bill may be recommitted, or at any time before its passage.

All bills ordered to be engrossed, shall be executed in a fair round hand.

When a bill shall pass, it shall be certified by the clerk, noting the day of its passing at the foot thereof.

#### FOURTHLY.—OF COMMITTEES OF THE WHOLE HOUSE.

It shall be a standing order of the day, throughout the session, for the House to resolve itself into a committee of the whole House on the state of the Union.

In forming a committee of the whole House, the Speaker shall leave his chair, and a Chairman to preside

preside in committee, shall be appointed by the Speaker.

Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

All amendments made to an original motion in committee, shall be incorporated with the motion, and so reported.

All amendments made to a report committed to a committee of the whole House, shall be noted and reported as in the case of bills.

All questions, whether in committee, or in the House, shall be propounded in the order they were moved, except, that in filling up blanks, the largest sum and longest time shall be first put.

No motion or proposition for a tax, or charge upon the people, shall be discussed the day in which it is made or offered, and every such proposition shall receive its first discussion in a committee of the whole House.

No sum or quantum of tax or duty, voted by a committee of the whole House, shall be increased in the House, until the motion or proposition for such increase shall be first discussed and voted in a committee of the whole House; and so in respect to the time of its continuance.

All proceedings, touching appropriations of money, shall be first moved and discussed in a committee of the whole House.

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The rules of proceeding in the House shall be observed in committee, so far as they may be applicable, except that limiting the times of speaking.

No standing rule or order of the House shall be rescinded without one day's notice being given of the motion therefor.

## JOINT RULES AND ORDERS OF THE TWO HOUSES.

In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committees shall, at a convenient hour, to be agreed on by their Chairmen, meet in the conference chamber, and state to each other verbally or in writing, as either shall choose, the reasons of their respective Houses, for and against the amendment, and confer freely thereon.

When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House, by the door-keeper, and shall be respectfully communicated to the Chair, by the person by whom it may be sent.

The same ceremony shall be observed, when a message shall be sent from the House of Representatives to the Senate.

Messages shall be sent by such persons, as a sense of propriety, in each House, may determine to be proper.

While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

After a bill shall have passed both Houses, it shall be duly inrolled on parchment, by the Clerk of the  
House

House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

When bills are inrolled, they shall be examined by a joint committee, of one from the Senate, and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the inrolment with the engrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the inrolled bills, make their report forthwith to the respective Houses.

After examination and report each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, and then by the President of the Senate.

After a bill shall have thus been signed in each House, it shall be presented by the said committee to the president of the United States, for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the secretary or clerk (as the case may be) of the House in which the same did originate, and shall be entered on the journal of each House. The said committee shall report the day of presentation to the President, which time shall also be carefully entered on the journal of each House.

All orders, resolutions, and votes, which are to be presented to the President of the United States, for his approbation, shall also in the same manner, be previously inrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in case of bills.

When the Senate, and House of Representatives shall judge it proper to make a joint address to the President,

President, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker, and both Houses.

The House then went into a committee, Mr. Trumbull in the chair, on the report of the Secretary at War, on the petition of Peter Covenhoven. This unfortunate man had been a sergeant in the militia of the United States, during the late war. A short time after his being called out, he was wounded with a musket ball in the knee, and was unable for a considerable time to walk, even upon crutches. At last, his wound became tolerably cured, and he was dismissed with a pension. But, some years ago, his wound broke out afresh, and after a series of excruciating tortures, the disaster ended with an amputation of his thigh. The bills of his physicians, and the extra expence of sick nurses came, in whole, to two hundred and nine pounds.

After reading the report, Mr. Boudinot proposed two resolutions, one for granting the sum of dollars to defray the expences of the amputation ; and the other for augmenting his pension.

Mr. Swift opposed the resolutions, as there was no law that authorized the granting of the money ; and as the House had no title to perform acts of charity, at the expence of their constituents. He imagined, that this burden should fall on the particular state wherein the petitioner resided.

Mr. Boudinot contended that there was a law for this measure. He said that it had always been customary, for Congress to pay the expence of curing its wounded soldiers. Even when the soldiers had no hospital, to which they could go, and advanced the money out of their own pockets, it had always been repaid by government, upon application for that purpose. Now the case of Peter Covenhoven  
came

came exactly within this description. He had been dismissed as cured, and with a lesser pension than he would have been entitled to, had the amputation taken place while he was in the military hospital. He had been considered as a person who could still support some part of his own expences by personal labour. But the matter turns out quite otherwise. The wound is *not* cured, for it breaks out in a very distressing manner, and ends in the loss of a limb. It was clear that, in point of justice, the man had two claims; the first for the expence attending his cure, and the second for an augmentation of his pension, since he was now completely disabled. He had been for some years incapable of standing, even upon crutches. It was plain that the House were liable to pay the expences of his wound; and as to the salary, it was only by an accident that he was entered in the list of pensioners before the wound broke out afresh, and that otherwise he would have been put on the highest rate.

Mr. Swift replied. He was not convinced by any thing that had been advanced; as to the Doctor's bills, he was not sure about their accuracy.

Dr. Beatty said he could answer to the House for that. He had advised the amputation.

The first resolution, viz. for paying the bills, was agreed to by a majority of 37 against 20. The committee rose. The Chairman reported the Resolution, and Mr. Beatty, Mr. Blount, and Mr. Holten, were appointed to prepare and bring in a bill.

The second resolution, for augmenting the salary of Mr. Covenhoven, was postponed.

The Speaker informed the House, that there was not yet any appearance of a quorum in the Senate. No new member of that House had arrived, and one of those here had fallen sick.

At half past one o'clock the House adjourned.

FRIDAY,

FRIDAY, the 14th of NOVEMBER, 1794.

Several other members, to wit; from *Massachusetts*, Samuel Dexter; *Virginia*, Abraham Venable; And from *Kentucky*, Alexander D. Orr, appeared, and took their seats in the House.

Mr. Baldwin, from the committee to whom was referred the letter from James White, inclosing the credentials of his appointment as a representative of the territory of the United States, south of the river Ohio, made a report, which was read. The report recommended his admission as a delegate in Congress; but, in conformity to a previous regulation of the legislature, that he should only be admitted, as a delegate from the South Western territory, to the privilege of debating, not of voting.

Mr. Parker then moved for a second reading of the report, which was done. He next moved for a committee of the whole House on Monday, to take up the subject, which passed in the affirmative. The report was ordered to be printed for the use of the members.

Mr. Dayton moved that a committee of claims should be appointed. Seven members, Mr. Tracey, Mr. Foster, Mr. Malbone, Mr. Montgomery, Mr. Heath, Mr. Christie, and Mr. Mebane, were named.

It was moved to adjourn till Monday. Mr. Parker opposed so long an adjournment, as the Senate would perhaps form a quorum to-morrow. The motion passed in the affirmative, and the House adjourned till Monday.

MONDAY,

MONDAY, the 17th of NOVEMBER, 1794.

Two other members, to wit; From  
*Rhode-Island*, Benjamin Bourne;  
And from *South-Carolina*, Andrew Pickens, appeared,  
and took their seats in the House.

The memorial of M. Egron, author of a new publication entitled, *The Level of Europe and America*, was read. This gentleman represented that his work would be of considerable utility, in making the natives of Europe acquainted with the peculiar advantages of this country. An extensive correspondence was, he said, necessary for obtaining that degree of information requisite for the completion of his plan, which promised to be of general utility. In consideration of these circumstances, he requested permission for his letters to pass to and from his correspondents free from postage. The memorial was ordered to lie on the table.

Mr. Giles then rose, and expressed his wish that this business might be disposed of immediately. The Speaker replied, that as it had already been ordered by the House, that the memorial should lie on the table, it could not be read a second time, but by special order. He at the same time gave notice that the Senate had not, this day, been yet able to form a quorum.

A petition of Joab Stafford, of the county of Harkemer, in the state of New-York, was presented to the House, by Mr. Lyman, and read, praying to be allowed an arrearage of pension due to him as a captain in the army of the United States, during the late war, or such other compensation in lieu thereof, as the wisdom of Congress shall seem meet. *Ordered*, That the said petition, together with the petition of George Campbell, which lay on the table, be referred to the committee of claims.

Mr.

Mr. New next moved, that the House should proceed to the order of the day, upon the report of the select committee, on the case of Mr. James White, delegate from the territory of the United States, south of the Ohio.

The House accordingly went into a committee, Mr. Trumbull in the chair; and the report was read.

As the debate on this report has been the first of any considerable length, during the present session, we beg leave, in this out-set of our undertaking, to make some preliminary remarks, that the plan on which we proceed, and the difficulties that are to be met with, may be the more fully comprehended, and that the occasional mistakes into which we *must* fall, may be the more readily forgiven.

Gentlemen are sometimes apt to speak so low, that it is next to impossible to hear them. Other members find it necessary to ask an explanation. The loss of only five words, is often sufficient to make a long series of remarks unintelligible. A person who merely takes notes in a debate, cannot ask members what they have been saying? and it is better to drop a speech, or part of a speech, than to fill up a chasm by an effort of imagination. The caution absolutely requisite on this head, will, to every candid mind, form a satisfactory apology for frequent deficiencies.

Again, even when members think that they have distinctly heard a speech, and begin to reply, it often falls out, both in the British parliament, and in the House of Representatives of Congress, that they are interrupted, as having misquoted the gentleman who spoke before them. In this case also, a reporter is reduced to inextricable difficulty.

In the last place, a certain portion only of a daily newspaper can be assigned for a sketch of this kind; and hence much abbreviation is necessary. Recur-  
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ring to one of our concluding paragraphs in the end of last session, it must again be observed, that the Editor "has neither time to *print*, nor have the "public time to *read* every word spoken." The debates of this day, for instance, if taken *verbatim*, would fill more than twenty columns. The very sight of such a wilderness of words, would deter any reader of ordinary courage from attempting a perusal. The only thing that remains is to make as few errors as possible; and when pointed out, of which a small number of instances occurred in last session, they will always be cheerfully and instantly acknowledged and corrected.

From this digression we return to the proceedings of the committee of the whole House, on the report of the select committee, as to the admission of Mr. James White for a delegate to Congress.

Mr. Vans Murray moved that the committee should rise, and that the discussion of this business should be deferred till the Senate had made a quorum.

Mr. Nicholas thought that the question had been misunderstood. He saw no difficulty in admitting Mr. White to possession of a seat. He regarded it only as putting an actual law into execution. Neither the Senate, nor the House of Representatives, had it in their power to contravene this law. This appeared to be the substance of what the member said.

Mr. Swift objected to complying with the report of the committee. He thought that it could not be carried into execution, because it involved inconsistencies. If the object of the law referred to, was to admit this person to debate, and not to vote, that was unconstitutional. He was, by that law, to be a member of Congress, but the House of representatives are not Congress; and therefore this person may equally vote in the House of Representatives and



and in the Senate ; while at the same time, he may interrupt the President consenting to a bill, by giving his advice. The constitution has made no provision for such a member as this person is intended to be. If we can admit a delegate to Congress as a member of the House of Representatives, we may with equal propriety admit a stranger from any quarter of the world. We may as well admit strangers from the gallery, or a foreign minister, as this person from the territory South-west of the Ohio. At this rate, we may very soon overturn the constitution. If this person has any proper title to a seat, it must be in the Senate. It could not be in the House of Representatives, who were not delegates. The Senate perhaps might be called such. His election was nearer the mode of theirs, than that of this House.

Mr. W. Smith (S. Carolina,) had no difficulty in declaring, that the gentleman was fully qualified to take a seat in that House, by the terms of an express compact with the people. He was convinced that the Representatives have a right to admit those, whom they regard as lawfully entitled, to a seat in the House, for the purpose of debating. They may admit the Secretary of State, if they consider it as expedient. If this gentleman had applied to the Senate, that body also were authorized to admit him, if they thought it lawful. Under the old constitution, he would have been a member *sui generis*. He does not claim a right of voting, but of speaking only ; and when the affairs of the South-western Territory were agitated in the Senate, he had a right in Mr. Smith's judgment, to speak and debate, in that house also. Mr. Smith wished that there had been previously settled another part of this business, viz. by whom the delegate was to be paid for his

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attendance?

attendance? It may be a future question also, whether he is to be dismissed when the galleries are cleared?

Mr. Giles was not prepared to speak on the subject. On the score of expediency, his present opinion was that the delegate from the South-west of the Ohio should be admitted. He had no objection to the motion of the member from Maryland, (Mr. Murray), for the committee rising, but he would never consent to it for the sake of consulting the Senate. He would agree to it for the sake of farther deliberation among members themselves. If the House chose to consult *the gallery*, a resource for information that he should never wish to see adopted, they had a right to consult it, or to ask advice from any other quarter, notwithstanding the assertion of the gentleman from Connecticut. Mr. Giles spoke so low, that, in some parts of the house, he was heard with difficulty.

Mr. Dexter was of opinion that the obstacle should be got over by a formal act of the legislature. He was clear that the House had a right to consult, or admit to the privilege of debating, any individual whom they thought proper. They might, for instance, admit an advocate to plead, in a particular case, but that was entirely a different matter from allowing him to give a vote, on the question before the House. Mr. Dexter declared that he would vote against the report, as it now stands, not because he thought the gentleman from the South-western Territory unentitled to a seat, but because he regarded an act of the whole legislature as requisite for his introduction.

It was now moved, that the committee should rise, and report the resolution of the select committee.

Mr.

Mr. W. Smith differed from Mr. Dexter. He thought the House of Representatives was, in itself, perfectly competent to settle the point. He was determined that they ought not to consult the Senate upon the matter. It would be extremely improper to let the Senate interfere. He again adverted to his former position, that the House may, if it sees proper, introduce the Secretary of State to a privilege of being consulted, or any other person who may be thought suitable. But he would never submit to yield the privileges of the House to the Executive. They ought to decide their elections on their own authority; and on no occasion send to enquire of the Senate, if such an amendment ought to be admitted. Mr. Smith considered the gentleman (Mr. White) as expressly within the present Constitution. He trusted that the committee would not rise, under any such idea as consulting the Senate; but, if they at present rise, that it would be merely for the sake of obtaining further information.

Mr. Vans Murray.—“If we could have foreseen this case, I am sure that we should have had a joint committee of privileges from both Houses, as judges. The situation of the gentleman refers to both, and therefore the Senate ought to be consulted on this head. Perhaps he is entitled to a seat in both houses.” Mr. Murray spoke rather low, and this, added to some accidental noise, made him be less distinctly heard.

Mr. M'Dowell objected, that an act of the legislature would never, practically, answer the purpose. The session would be next to ending, before such a law could be past. In the mean time, the interest of the people South-west of the Ohio is agitated in a question, and their delegate is condemned to silence. The members generally admit, in substance, that he ought to be received into the House. He wished

therefore that they would take a vote on the resolution of the select committee. He would object altogether to the proposal of the member from Maryland, for an act of the legislature, or any consultation with the Senate. Mr. M'Dowell was for admitting the gentleman to his seat.

Mr. Boudinot observed that it was universally agreed that the old law for accepting such a member as *a delegate of Congress* cannot be executed in its full sense. The gentleman ought, in his opinion, to go, where members elected by legislatures went, that is to say, to the Senate. There was no precedence for his admission among the Representatives of the people. If he had any right, it must be in the other House. He thought this a very important question, and that it deserved more consideration than it had yet received. Mr. Boudinot was not prepared to vote; but if he was forced to give his voice, at present, he should be for remitting the gentleman to the Senate. He thought that there should be an act of the whole legislature. He should vote for the committee rising.

Mr. Dayton said that he should vote against the motion of the Maryland member for the rising of the committee. He was against the object of this motion. He agreed entirely with the report of the select committee for receiving the South-western member immediately, as he had a right to a seat founded on an original compact, which gave it to him. He objected to any concurrence of the Senate being asked. As to consulting persons out of doors, the House had a right to call heads of departments to give their opinions on any particular subject, if they saw it proper. Mr. Dayton mentioned some cases of this nature, where such an expedient had been used.

Mr.

Mr. Giles mentioned one reason against the committee rising, which was, that the House had no other business before it. He then read an amendment on the resolution of the select committee, as a middle course, that would embrace the ideas of all parties.

Mr. Dexter repeated some of his former reasons for preferring an act of the legislature. The question was called for, and put by the chairman. Shall the committee now rise and report progress?

Yeas 38

Nays 39

Majority against the motion

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The question was then put on the resolution, as given by the committee. M. Giles again proposed his amendment. This was, that, after the word *debating*, in the resolution, there should be added—“upon any question touching the rights and interests of people in the territory of the United States, South-west of the Ohio.” The object was to narrow the power of the delegate.

Mr. Smilie was for his being either admitted to deliberate on every subject or on none at all.

Mr. Giles declared that he was very well pleased with the resolution, as it originally stood. He had only suggested this amendment, that he might get the resolution through the House. He therefore withdrew his motion.

Mr. Baldwin did not see that the question was of much importance. When a member was permitted to speak, but forbidden to vote, his situation was, no doubt, infinitely higher, than that of strangers in the gallery, that of an advocate allowed to plead at the bar of the house, or that of a printer, who came only to take notes, but still, it was extremely

short of the situation of a member of Congress. This would be more especially the case, if his right of debating was restricted to the affairs of the North-west and South-west Territory. Mr. Baldwin could see nothing in the new constitution, that created an exclusion of the delegate from the South-west of the Ohio. This privilege had been solemnly promised, to these people, upon three different occasions. When they belonged to the state of South Carolina, they sent a Representative, Mr. Sevier, to Congress; and they separated into a new state, under the promise of this privilege. But now, we have made a discovery that these laws cannot be put into execution. It is a great pity that we had not found out this discovery sooner. Mr. Baldwin rejected all idea of referring this matter to the Senate. When the latter had any question of that kind, that concerned themselves, they would no doubt judge for themselves; and that just as properly as the House of Representatives. As to the pay of this gentleman, that might be an after question. He was clear that there at present existed no law, which could make out that. The House may hereafter, if they see fit, pass a law respecting it. But, in the mean time, Mr. Baldwin was satisfied that these people had a claim for a delegate, which could not be got rid of by the house.

Mr. Swift thought that it would be better to erect these people into a new state, and then the privilege would be of some real use to them. He was still of opinion that the constitution admits of no such delegate, as this person is intended to be. He is a new kind of character unknown to it. This person is *sui generis*. If the constitution knows any thing about him, then take him. If not, reject him. As to taking advice from the gallery, Mr. Swift seemed to think that he had been misunderstood.

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To admit a person within the bar for the purpose of consulting him, was a quite different thing from permitting the gallery, like this person, to come and take a permanent seat among the members for the purpose of regularly debating. Mr. Swift never meant to debar the house from taking information wherever they could find it.

Mr. Murray was concerned that he found himself obliged to vote against the resolution of the committee. He still hoped that the gentleman would have a seat, but that the Senate would first be consulted.

Mr. Wingate moved an amendment to the resolution, by adopting these words, "to a seat in Congress as a delegate to Congress." Mr. Parker also proposed a slight amendment, which an accidental noise prevented us from hearing.

Mr. Madison said that the resolution, as passed by the select committee, was so properly expressed, that he did not believe it could admit of any amendment or alteration whatever.

The committee of the whole House then divided on the resolution, when there appeared a very large majority in favour of reporting it as it first stood; and consequently for admitting Mr. White as a delegate.

The committee then rose; and, without discussing the resolution in the House, they at two o'clock, adjourned.

TUESDAY, the 18th of NOVEMBER, 1794.

Another member, to wit; Theodore Sedgwick, from *Massachusetts*, appeared, and took his seat in the House.

Mr. Claibourne laid the following motion on the table;

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That

That a committee be appointed to bring in a bill to increase the pay and regulate the other allowances hereafter to be given to non-commissioned officers, musicians and privates of the troops on the military establishment of the United States, and of the militia, when called into actual service, and to ascertain the time when the pay of the militia shall in future commence, and to make farther and more ample provision for the pay of the militia on the present expedition to Fort Pitt.

A memorial of James Crawford, of the city of Philadelphia, merchant, was presented to the House and read, praying that a new register may be granted in the case of the brig Betsy, an American bottom, taken by the British at Saint Pierre's in the island of Martinique, in the month of February last; the said brig being condemned, and her original register detained by the captors.

*Ordered*, That the said memorial, with the petition of Samuel Emery, which lay on the table, be referred to Mr. Fitzsimmons, Mr. Goodhue, and Mr. Cadwalader, to examine, and report to the House.

Mr. Dayton then moved that the House should take up the report of the committee of the whole House, on the credentials of Mr. James White. The report was agreed to by the House, and the resolution with which it concludes, was ordered to be served upon Mr. White. The report was in these words:

That by the ordinance for the government of the territory of the United States North-west of the river Ohio, section 9, it is provided, "that so soon as  
"there shall be five thousand free male inhabitants  
"of full age in the district, upon giving proof there-  
"of to the governor, they shall receive authority  
"to elect Representatives to represent them in a  
"general



“ general assembly ;” and by the 12th section of the ordinance, “ as soon as a legislature shall be  
 “ formed in the district, the Council and House assembled in one room shall have authority, by joint  
 “ ballot, to elect a delegate to Congress, who shall  
 “ have a seat in Congress, with a right of debating,  
 “ but not of voting, during this temporary government.” Full effect is given to this ordinance by act of Congress, August 7, 1789.

That by the deed of cession of the territory South of the river Ohio, to the United States, in the fourth article it is also provided, “ that the inhabitants of the said territory shall enjoy all the privileges, benefits and advantages set forth in the  
 “ ordinance of the late Congress for the government of the Western territory ; that is to say, Congress shall assume the government of the said territory,  
 “ which they shall execute in a manner similar to that which they support in the territory west of  
 “ the Ohio, and shall never bar or deprive them of any privilege which the people in the territory  
 “ west of the Ohio enjoy.”

The cession on these conditions was accepted by act of Congress on the 2d of April 1790.

By an act passed the 26th May 1790, for the government of the territory of the United States South of the river Ohio, it is enacted, “ that the inhabitants shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late  
 “ Congress, for the government of the territory of the United States North-west of the river Ohio.  
 “ And the government of the said territory South of the Ohio, shall be similar to that which is now  
 “ exercised in the territory North-west of the river Ohio ; except so far as is otherwise provided in  
 “ the conditions expressed in an act of Congress of the present session, intituled, “ An Act to accept  
 “ a ces-

“ a cession of the claim of the state of North-Carolina to a certain district of western territory.” The committee are of opinion, that James White, has been duly elected as delegate from the territory of the United States South of the Ohio, on the terms of the foregoing acts: they therefore submit the following resolution.

*Resolved,* That James White be admitted to a seat in this House, as a delegate from the territory of the United States South of the river Ohio, with a right of debating, but not of voting.

Some conversation then arose, respecting the mode of admitting Mr. White to take his seat.

Mr. Murray spoke, but so low that he could not be heard.

Mr. Madison said, that in new cases, there often arose a difficulty by applying old names to new things. The proper definition of Mr. White is to be found in the laws and rules of the constitution. He is not a member of Congress, therefore, and so cannot be directed to take an oath, unless he chooses to do it voluntarily.

Mr. Murray moved that Mr. White should be required to take the oath.

Mr. W. Smith observed that the constitution only required members, and the clerk to take the oath. The gentleman was not a member. It does not even appear for what number of years he is elected. In fact, he is no more than an envoy to Congress. Instead of being called a delegate to Congress, had he been plainly called an envoy, the difficulty would have vanished. He is not a Representative, from, but an officer deputed by the people of the South-western territory. It is very improper to call on this gentleman to take such an oath, any more than any civil officer in the state of Pennsylvania. Mr. Smith did not consider him as coming even within the Post-Office

Office law, (viz. for franking letters.) He is not entitled to pay, unless a law shall be passed for that end.

Mr. Giles agreed with the gentleman who spoke last, as to the impropriety of demanding an oath. Mr. Lyman was for it. Both these members spoke so low that they were not distinctly heard.

Mr. Dayton was against the oath. Call him what you will, a member, a delegate, or if you please, a *non-descript*. It would be wrong to accept his oath, even if he should offer it. He is not a member. He cannot vote, which is the essential part. It is said that he can argue, and by that means influence the votes of the House. But so also a printer may be said to argue and influence, when he comes to this House, takes notes, and publishes them in the newspapers.

Mr. Boudinot. As the House had set out on a wrong principle, it was natural that, in their subsequent progress, they should wander further and further from the point. But as the House had now given their decision, he acquiesced in it. It was, however, a strange kind of thing to have a gentleman here arguing, who was not bound by an oath. He never could reconcile it.

Sever other members spoke. The House divided on the question, shall the delegate take an oath as a member.

Ayes	32
Noes	42

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Majority against the motion	10
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There were at this time two messages one after the other from the Senate to the House of Representatives. The first informed that they had made a quorum, and the second, that they had named a committee to wait on the President, in conjunction with

with a committee from the Representatives, and to acquaint him, that they were ready to receive any communication from him.

The Committee from the Senate were Mr. Izard, and Mr. Langdon. Mr. Boudinot, Mr. Dearbourne, and Mr. Gilman were named by the Speaker, on the part of the House of Representatives.

On the motion of Mr. Giles, the petition of M. Pierre Egron was read a second time, and referred to Mr. William Smith, Mr. Murray, and Mr. Madison, to examine and report.

Mr. Dayton moved that two chaplains of different denominations, should be appointed to Congress, for the present Session, one by each House, to interchange weekly. This was agreed to, and the clerk of the House was directed to carry the resolution to the Senate, and desire their concurrence.

Mr. Parker moved that a committee be appointed to bring in a bill for the relief of sick and disabled seamen.

A committee consisting of Mr. William Smith, Mr. Thatcher, and Mr. Macon, were appointed to bring in a bill extending the privilege of franking to Mr. James White, delegate from the South-western territory, and making provision for his compensation.

Mr. Boudinot reported to the Speaker, that the President would meet both Houses, to-morrow, in the House of Representatives, at twelve o'clock.

The reason for meeting there is, because the floor of the Senate House is thought to be insufficient.

Adjourned at one o'clock.

It was not till this day, being the seventeenth of the Session, that the Senate were able to form a quorum. The names of the members who appeared and took their seats, on the first day of the Session, were as follow :

The

The Hon. Ralph Izard, President pro tempore, from the state of South-Carolina.

From the state of

<i>N. Hampshire,</i>	—the hon. John Langdon and Samuel Livermore.
<i>Massachusetts,</i>	George Cabot.
<i>Connecticut,</i>	Oliver Ellsworth.
<i>Rhode-Island,</i>	Theodore Foster.
<i>Vermont,</i>	Moses Robinson.
<i>New-York,</i>	Rufus King.
<i>Pennsylvania,</i>	Robert Morris.
<i>Kentucky,</i>	John Brown.
<i>North-Carolina,</i>	Benj. Hawkins.

The hon. John Vining from the state of *Delaware*, arrived on the 5th. The Vice-President, Mr. Adams, the hon. Alexander Martin from *North-Carolina*, and the hon. James Jackson from *Georgia*, also took their seats on the 10th; and the hon. William Bradford from *Rhode-Island*, on the 11th. The arrival of the hon. Aaron Burr, from the state of *New-York*, on this day, enabled the Senate as above, to proceed to business. On the 19th, the hon. John Edwards, from the state of *Kentucky*, attended.

The Senate at present consists of thirty members, of whom sixteen are required to form a quorum. The Vice-president of the United States, is, by his office, president of the Senate, but is not himself a senator, nor has power to vote, unless when the members are equally divided.

WEDNESDAY, the 19th of NOVEMBER, 1794.

Another member, to wit; Thomas Scott, from *Pennsylvania*, appeared, and took his seat in the House.

A memorial of Joze Roiz Silva, of the city of New-York, merchant, was presented to the House  
and

and read, praying that the sum of two thousand, five hundred and twenty-one dollars, and sixty cents, may be refunded to him, it being the difference in the amount of duties on a quantity of wines imported by the memorialist, and which, through mistake, was exacted from him by the collector of the port of New-York, beyond the legal duties.

Mr. Watts, Mr. Coffin, and Mr. Malbone were appointed to examine and report.

The Speaker laid before the House a report of the commissioners for purchasing the public debt, stating the amount of their purchases and other proceedings since their report of the sixteenth of December, one thousand seven hundred and ninety-three, which was read, and ordered to lie on the table.

A message was then sent to the Senate, by the clerk of the House, to inform them, that the House of Representatives were now ready to attend them, in receiving the communication from the President, agreeably to his notification of yesterday. The Senate accordingly attended, and took seats in the House. Both Houses being now assembled, the President, accompanied by the Secretary of State, the Secretary at War, the Attorney General, and several foreign ministers, came into the Chamber of the Representatives, and addressed them as follows :

Fellow Citizens of the SENATE, and of  
the House of REPRESENTATIVES ;

WHEN we call to mind the gracious indulgence of Heaven, by which the American People became a nation ; when we survey the general prosperity of our country, and look forward to the riches, power, and happiness to which it seems destined ; with the deepest regret do I announce to you, that during your recess, some of the citizens of the United States

States have been found capable of an insurrection. It is due, however, to the character of our government, and to its stability, which cannot be shaken by the enemies of order, freely to unfold the course of this event.

During the session of the year one thousand seven hundred and ninety, it was expedient to exercise the legislative power, granted by the constitution of the United States, "to lay and collect excises." In a majority of the states, scarcely an objection was heard to this mode of taxation. In some, indeed, alarms were at first conceived, until they were banished by reason and patriotism. In the four western counties of Pennsylvania, a prejudice, fostered and embittered by the artifice of men, who laboured for an ascendancy over the will of others, by the guidance of their passions, produced symptoms of riot and violence. It is well known, that Congress did not hesitate to examine the complaints which were presented, and to relieve them, as far as justice dictated, or general convenience would permit. But the impression, which this moderation made on the discontented, did not correspond with what it deserved. The arts of delusion were no longer confined to the efforts of designing individuals. The very forbearance to press prosecutions was misinterpreted into a fear of urging the execution of the laws; and associations of men began to denounce threats against the officers employed. From a belief, that by a more formal concert, their operation might be defeated, certain self-created societies assumed the tone of condemnation. Hence, while the greater part of Pennsylvania itself were conforming themselves to the acts of excise, a few counties were resolved to frustrate them. It was now perceived that every expectation from the tenderness which had been hitherto pursued, was unavailing, and that  
further

further delay could only create an opinion of impotency or irresolution in the government. Legal process was, therefore, delivered to the marshal, against the rioters and delinquent distillers. No sooner was he understood to be engaged in his duty, than the vengeance of armed men was aimed at *his* person, and the person and property of the inspector of the revenue. They fired upon the marshal, arrested him, and detained him for some time as a prisoner. He was obliged, by the jeopardy of his life, to renounce the service of other process, on the west side of the Allegheny mountain; and a deputation was afterwards sent to him to demand a surrender of that which he *had* served. A numerous body repeatedly attacked the house of the inspector—seized his papers of office—and finally destroyed by fire his buildings, and whatsoever they contained. Both of these officers, from a just regard to their safety, fled to the seat of government; it being avowed, that the motives to such outrages were to compel the resignation of the inspector—to withstand by force of arms the authority of the United States, and thereby to extort a repeal of the laws of excise, and an alteration in the conduct of government.

Upon the testimony of these facts, an associate Justice of the Supreme Court of the United States notified to me, that “in the counties of Washington  
“and Allegheny in Pennsylvania, laws of the United  
“States were opposed, and the execution thereof  
“obstructed, by combinations too powerful to be  
“suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal  
“of that district.” On this call, momentous in the extreme, I sought and weighed what might best subdue the crisis. On the one hand, the judiciary was pronounced to be stripped of its capacity to enforce the laws, : crimes, which reached the very existence



of social order, were perpetrated without controul ; the friends of government were insulted, abused, and overawed into silence, or an apparent acquiescence ; and to yield to the treasonable fury of so small a portion of the United States, would be to violate the fundamental principle of our constitution, which enjoins that the will of the majority shall prevail. On the other, to array citizen against citizen—to publish the dishonor of such excesses—to encounter the expence, and other embarrassments of so distant an expedition, were steps too delicate—too closely interwoven with many affecting considerations, to be lightly adopted. I postponed, therefore, the summoning of the militia immediately into the field. But I required them to be held in readiness, that if my anxious endeavours to reclaim the deluded, and to convince the malignant of their danger, should be fruitless, military force might be prepared to act, before the season should be too far advanced.

My proclamation of the 7th of August last was accordingly issued, and accompanied by the appointment of Commissioners, who were charged to repair to the scene of insurrection. They were authorized to confer with any bodies of men, or individuals. They were instructed to be candid and explicit, in stating the sensations which had been excited in the Executive, and his earnest wish to avoid a resort to coercion. To represent, however, that without submission, coercion *must* be the resort ; but to invite them, at the same time, to return to the demeanor of faithful citizens, by such accommodations as lay within the sphere of executive power. Pardon too, was tendered to them by the government of the United States, and that of Pennsylvania, upon no other condition, than a satisfactory assurance of obedience to the laws.

Although the report of the Commissioners marks their firmness and abilities, and must unite all virtuous men, by shewing, that the means of conciliation have been exhausted, all of those who have committed or abetted the tumults, did not subscribe the mild form, which was proposed, as the atonement; and the indications of a peaceable temper were neither sufficiently general, nor conclusive, to recommend or warrant the farther suspension of the march of the militia.

Thus, the painful alternative could not be discarded. I ordered the militia to march, after once more admonishing the insurgents, in my proclamation of the 25th of September last.

It was a task too difficult to ascertain with precision, the lowest degree of force competent to the quelling of the insurrection. From a respect, indeed, to œconomy, and the ease of my fellow citizens belonging to the militia, it would have gratified me to accomplish such an estimate. My very reluctance to ascribe too much importance to the opposition, had its extent been accurately seen, would have been a decided inducement to the smallest efficient numbers.

In this uncertainty, therefore, I put into motion fifteen thousand men, as being an army, which, according to all human calculation, would be prompt, and adequate in every view; and might perhaps, by rendering resistance desperate, prevent the effusion of blood. Quotas had been assigned to the states of New-Jersey, Pennsylvania, Maryland, and Virginia; the governor of Pennsylvania having declared on this occasion, an opinion which justified a requisition to the other states.

As commander in chief of the militia, when called into the actual service of the United States, I have visited the places of general rendezvous, to obtain more exact information, and to direct a plan for ulterior

terior movements. Had there been room for a persuasion, that the laws were secure from obstruction ; that the civil magistrate was able to bring to justice such of the most culpable, as have not embraced the proffered terms of amnesty, and may be deemed fit objects of example ; that the friends to peace and good government were not in need of that aid and countenance, which they ought always to receive, and, I trust, ever will receive, against the vicious and turbulent, I should have caught with avidity the opportunity of restoring the militia to their families and home. But succeeding intelligence has tended to manifest the necessity of what has been done ; it being now confessed by those who were not inclined to exaggerate the ill-conduct of the insurgents, that their malevolence was not pointed merely to a particular law ; but that a spirit, inimical to all order, has actuated many of the offenders. If the state of things had afforded reason for the continuance of my presence with the army, it would not have been withholden. But every appearance assuring such an issue, as will redound to the reputation and strength of the United States, I have judged it most proper to resume my duties at the seat of government, leaving the chief command with the Governor of Virginia.

Still, however, as it is probable, that in a commotion like the present, whatsoever may be the pretence, the purposes of mischief and revenge may not be laid aside, the stationing of a small force for a certain period in the four western counties of Pennsylvania will be indispensable, whether we contemplate the situation of those who are connected with the execution of the laws, or of others who may have exposed themselves by an honourable attachment to them. Thirty days from the commencement of this session, being the legal limitation of the employment of the militia,

militia, Congress cannot be too early occupied with this subject.

Among the discussions which may arise from this aspect of our affairs, and from the documents which will be submitted to Congress, it will not escape their observation, that not only the inspector of the revenue, but other officers of the United States, in Pennsylvania, have, from their fidelity in the discharge of their functions, sustained material injuries to their property. The obligation and policy of indemnifying them are strong and obvious. It may also merit attention, whether policy will not enlarge this provision to the retribution of other citizens, who, though not under the ties of office, may have suffered damage by their generous exertions for upholding the constitution and the laws. The amount, even if all the injured were included, would not be great; and on future emergencies, the government would be amply repaid by the influence of an example, that he, who incurs a loss in its defence, shall find a recompence in its liberality.

While there is cause to lament, that occurrences of this nature should have disgraced the name, or interrupted the tranquillity of any part of our community, or should have diverted to a new application, any portion of the public resources, there are not wanting real and substantial consolations for the misfortune. It has demonstrated, that our prosperity rests on solid foundations; by furnishing an additional proof, that my fellow-citizens understand the true principles of government and liberty:—that they feel their inseparable union:—that notwithstanding all the devices which have been used to sway them from their interest and duty, they are now as ready to maintain the authority of the laws against licentious invasions, as they were to defend their rights against usurpation. It has been a spectacle,

tacle, displaying to the highest advantage the value of Republican Government, to behold the most and the least wealthy of our citizens standing in the same ranks as private soldiers, pre-eminently distinguished by being the army of the constitution, undeterred by a march of three hundred miles, over rugged mountains, by the approach of an inclement season, or by any other discouragement. Nor ought I to omit to acknowledge the efficacious and patriotic co-operation, which I have experienced from the chief magistrates of the states, to which my requisitions have been addressed.

To every description, indeed, of citizens, let praise be given. But let them persevere in their affectionate vigilance over that precious deposit of American happiness, the constitution of the United States. Let them cherish it too, for the sake of those, who from every clime are daily seeking a dwelling in our land. And when in the calm moments of reflection, they shall have retraced the origin and progress of the insurrection, let them determine whether it has not been fomented by combinations of men, who, careless of consequences, and disregarding the unerring truth, that those who rouse, cannot always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies, and accusations of the whole government.

Having thus fulfilled the engagement which I took when I entered into office, "to the best of my ability to preserve, protect, and defend the constitution of the United States," on you, Gentlemen, and the people by whom you are deputed, I rely for support.

In the arrangements, to which the possibility of a similar contingency will naturally draw your attention, it ought not to be forgotten, that the mi-

litia-laws have exhibited such striking defects, as could not have been supplied but by the zeal of our citizens. Besides the extraordinary expence and waste, which are not the least of the defects, every appeal to those laws is attended with a doubt on its success.

The devising and establishing of a well-regulated militia, would be a genuine source of legislative honor; and a perfect title to public gratitude. I, therefore, entertain a hope, that the present session will pass, without carrying to its full energy the power of organizing, arming, and disciplining the militia; thus providing, in the language of the constitution, for calling them forth to execute the laws of union, suppress insurrections, and repel invasions. auxiliary to the state of our defence, to which evils can never too frequently recur, they will be led to inquire, whether the fortifications, which have been already licensed by law, be commensurate to the exigencies.

Intelligence from the army under the command of General Wayne, is a happy preface to our operations against the hostile Indians of the Ohio. From the advices which have been forwarded, the advance which he has made has dampened the ardor of the savages, and their obstinacy in waging war against the United States. And yet, even at this late hour, when to punish them cannot be questioned, we are unwilling to cement a lasting peace, upon the basis of honor, equity, and good neighbourhood.

None of the Indian tribes have overtures been spared. The Creeks in particular, have been spared from encroachment by the interposition of the Federal Government and that of Georgia. It is also to remove the discontents of the Six Nations, meditated at Presqu'isle on

Lake

Lake Erie, has been suspended; and an agent is now endeavouring to rectify any misconception, into which they may have fallen. But I cannot refrain from again pressing upon your deliberations, the plan which I recommended at the last session, for the improvement of harmony with all the Indians within our limits, by the fixing and conducting of trading houses, upon the principles then expressed.

Gentlemen of the HOUSE of REPRESENTATIVES,

The time, which has elapsed, since the commencement of our fiscal measures, has developed our pecuniary resources, so as to open the way for a definitive plan for the redemption of the public debt. It is believed, that the result is such, as to encourage Congress to consummate this work, without delay. Nothing can more promote the permanent welfare of the nation, and nothing would be more grateful to our constituents. Indeed whatsoever is unfinished of our system of public credit, cannot be benefited by procrastination; and as far as may be practicable, we ought to place that credit on grounds which cannot be disturbed, and to prevent that progressive accumulation of debt which must ultimately endanger all governments.

An estimate of the necessary appropriations, including the expenditures into which we have been driven by the insurrection, will be submitted to Congress.

Gentlemen of the SENATE, and of  
the HOUSE of REPRESENTATIVES,

The mint of the United States has entered upon the coinage of the precious metals, and considerable sums of defective coins and bullion have been lodged with the director by individuals. There is a pleasing prospect that the institution will, at no remote day,

realize the expectation which was originally formed of its utility.

In subsequent communications, certain circumstances of our intercourse with foreign nations, will be transmitted to Congress. However, it may not be unseasonable to announce that my policy in our foreign transactions has been, to cultivate peace with all the world;—to observe treaties with pure and absolute faith;—to check every deviation from the line of impartiality;—to explain what may have been misapprehended, and correct what may have been injurious to any nation;—and having thus acquired the right, to lose no time in acquiring the ability, to insist upon justice being done to ourselves.

Let us unite, therefore, in imploring the Supreme Ruler of Nations, to spread his holy protection over these United States:—to turn the machinations of the wicked to the confirming of our constitution:—to enable us at all times to root out internal sedition, and put invasion to flight:—to perpetuate to our country that prosperity, which his goodness has already conferred, and to verify the anticipations of this government being a safe-guard to human rights.

G<sup>o</sup>: WASHINGTON.

United States,  
November the 19th, 1794. }

The President then withdrew; and the two houses separated. It was agreed to by the House of Representatives, that the speech of the President should be referred to a Committee of the whole house tomorrow, and then they adjourned. The Senate returned to their chamber, and appointed Mr. King, Mr. Ellsworth, and Mr. Izard, as a committee, to report the draft of an address to the President in answer to his speech.

The



The Vice President laid before the Senate the report of the commissioners of the sinking fund, which was read as follows :

“ The Vice President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to Congress, as follows :

“ That pursuant to the act intitled, ‘ An act making provision for the reduction of the public debt,’ and in conformity to resolutions agreed upon by them, and severally approved by the President of the United States, they have since their report, dated the sixteenth of December 1793, caused purchases of the said debt to be made through the agency of Samuel Meredith, to the amount of *one hundred and thirty-nine thousand and seventy-seven dollars and eighty-eight cents*, for which there have been paid in specie, *one hundred thousand and sixty-one dollars and seventy-six cents*.

“ That pursuant to the act intitled, ‘ An act supplementary to the act making provision for the debt of the United States,’ and in conformity to resolutions agreed upon by them, and severally approved by the President of the United States, they have also caused purchases of the said debt to be made, subsequent to their said report of the sixteenth day of December, 1793, to the amount of *one hundred and six thousand seven hundred and fifty dollars and thirty-seven cents*, for which there have been paid *eighty-five thousand eight hundred and thirty-two dollars and ninety-one cents* in specie.

“ That the documents accompanying this report, marked B, C, D, and E, shew the aforesaid purchases generally and in detail, including the places where, the times when, the prices at which, and the persons of whom, the purchases were made.

That

“ That the documents marked A, shew the proceedings of the accounting officers of the Treasury in respect to the settlement of an account for the expenditure of *fifty-thousand dollars* in purchases which were stated in our former report, at the date of which the said settlement had not been completed. .

“ That the purchases now and heretofore reported, amount together to *two millions two hundred and sixty-five thousand and twenty-two dollars and fifty-seven cents* in stock, for which there have been paid in specie, *one million five hundred and eighty-one thousand three hundred and twenty three dollars and sixty-seven cents*, as will be more particularly seen by the document marked F.

“ On behalf of the board,

“ JOHN ADAMS.”

Philadelphia, Nov. 18th, 1794.

This report was ordered to lie on the table, and the Senate then adjourned, till to-morrow, at eleven o'clock.

THURSDAY, the 20th of NOVEMBER, 1794.

The Senate assembled as yesterday. A message was received from the President, by Mr. Dandridge, his Secretary, with the following communications, viz.

- N<sup>o</sup>. 1. Judge Wilson's certificate.
2. The first proclamation of 7th of August.
3. The instructions to the commissioners.
4. The report of the commissioners.
5. The second proclamation of the 25th of September.
6. The correspondence between the Governor of Pennsylvania and the Secretary for the Department of State.

7. The

- N<sup>o</sup>. 7. The report from the Secretary of the Treasury to the President of the United States.
8. Instructions to the Governor of Virginia.
9. General Wayne's letters.
10. Papers respecting the Creek Indians, and the State of Georgia.
11. Letters with respect to Presqu'isle.
12. A letter from the Director of the Mint.

Mr. King, from the Committee, reported an address to the President, in reply to his speech of the 19th, to both houses, which was read. The Senate assigned to-morrow for taking it into consideration, and then adjourned.

In the House of Representatives, this day, another member, to wit; William Findley, from Pennsylvania, appeared, and took his seat. The house, according to the order of the day, resolved itself into a committee, Mr. Trumbull in the chair, on the speech of the President to both Houses of Congress. The following resolution was then moved and agreed to :

*Resolved*, That it is the opinion of this committee, that a respectful address ought to be presented by the House of Representatives, to the President of the United States, in answer to his speech to both Houses of Congress, at the commencement of this session, containing assurances, that this House will take into consideration, the various and important matters recommended to their attention.

Mr. Madison, Mr. Sedgwick, and Mr. Scott, were appointed a Committee to prepare an address, pursuant to this resolution; and it was farther resolved, That to-morrow, the House shall resolve itself into a committee of the whole House, on the said speech.

A mes-

A message was received from the Senate, notifying that they had agreed to the resolution for the appointment of two chaplains, for the present session, and that, on their part, they had elected the Rev. Bishop White. The House of Representatives then proceeded, by ballot, to the appointment of a chaplain; and a majority of votes were in favour of the Rev. Ashbel Green.

A message was received from the President with copies of the same papers, above specified, which he, this day, transmitted to the Senate. Part of them were read. The house then adjourned.

FRIDAY, the 21st of NOVEMBER, 1794.

The Senate went into consideration of the address, in answer to the speech of the President.

It was moved by Mr. Burr, and seconded by Mr. Jackson, to strike out the second paragraph, beginning with the words "Our anxiety arising," &c. It passed in the negative.

On motion to amend the paragraph respecting the army, under the command of General Wayne, to be read as follows: "The pleasure with which we learn the success of the Western army, under the command of General Wayne, is enhanced by the hope, that their victories will lay the foundation of a just and durable peace with the Indian tribes;" It passed in the negative.

On motion to strike out of the second paragraph respecting the Western army, the words "General and;" It passed in the negative. And the several paragraphs reported by the committee being agreed to, the report was adopted, as follows:

SIR,

SIR,

WE receive with pleasure, your Speech to the two Houses of Congress. In it we perceive renewed proofs of that vigilant, and paternal concern for the prosperity, honour, and happiness of our country, which has uniformly distinguished your past administration.

Our anxiety arising from the licentious and open resistance to the laws in the Western counties of Pennsylvania, has been increased by the proceedings of certain self-created societies, relative to the laws and administration of the Government; proceedings in our apprehension, founded in political error, calculated, if not intended, to disorganize our Government, and which, by inspiring delusive hopes of support, have been influential in misleading our fellow-citizens in the scene of insurrection.

In a situation so delicate and important, the lenient and persuasive measures which you adopted, merit and receive our affectionate approbation. These failing to procure their proper effect, and coercion having become inevitable, we have derived the highest satisfaction from the enlightened patriotism, and animating zeal with which the citizens of New-Jersey, Pennsylvania, Maryland and Virginia, have rallied around the standard of Government, in opposition to anarchy and insurrection.

Our warm and cordial acknowledgments are due to you, Sir, for the wisdom and decision with which you arrayed the militia, to execute the public will; and to them, for the disinterestedness, and alacrity, with which they obeyed your summons.

The example is precious to the theory of our Government, and confers the brightest honour upon the Patriots who have given it.

We

We shall readily concur in such farther provisions for the security of internal peace, and a due obedience to the laws, as the occasion manifestly requires.

The effectual organization of the militia, and a prudent attention to the fortifications of our ports and harbours, are subjects of great national importance, and, together with the other measures you have been pleased to recommend, will receive our deliberate consideration.

The success of the troops under the command of General Wayne, cannot fail to produce essential advantages. The pleasure with which we acknowledge the merits of that gallant General and army, is enhanced by the hope, that their victories will lay the foundation for a just and durable peace, with the Indian tribes.

At a period so momentous in the affairs of nations, the temperate, just and firm policy, that you have pursued, in respect to foreign powers, has been eminently calculated to promote the great and essential interest of our country, and has created the fairest title to the public gratitude and thanks.

JOHN ADAMS,

Vice President of the United States,  
and President of the Senate.

It was then *Ordered*, That Mr. King, Mr. Ellsworth, and Mr. Izard, the committee who drafted the Address to the President of the United States, in answer to his Speech at the opening of the session, should wait on him, to know at what time and place it will be convenient for him that it should be presented. The President acquainted them that he would meet the Senate to-morrow at twelve o'clock, at his own house, for that purpose.

A message was received from the President, communicating copies of a letter from the Governor of New-

New-York, and of the exemplification of an act of the legislature of that state, ratifying the amendment of the constitution of the United States, proposed by Congress at their last session, respecting the judicial power.

The Vice President laid before the Senate, a certificate of notice given to Rufus Putnam and others, agreeable to the order of the Senate, of 13th of May last, to shew cause respecting the claims of the people of Galliopolis. The certificate was read and ordered to lie on the table.

Mr. Langdon, Mr. Izard, and Mr Burr, were appointed a committee to report such rules as may be necessary, to compel the attendance of the members of the Senate. Adjourned.

In the House of Representatives, this day, there was presented the petition of Joseph M'Craken, of the county of Washington, in the state of New-York. He prayed compensation for services performed, and money advanced by himself, as a continental captain, during the late war. A petition for Elisha Frizell, of the state of New-York, was also presented. The petitioner requested an arrearage of pension due to him for military services rendered to the United States, during the late war. Both petitions were referred to the committee of claims.

Mr. Watts moved for leave to bring in a bill for the relief of John R. Livingstone. Mr. Coit, Mr. Gordon, and Mr. Neville, were appointed as a committee for that purpose.

Mr. W. Smith, from the committee appointed, brought in a bill for granting to Mr. James White, the delegate to Congress from the territory Southwest of the Ohio, the privilege of franking letters, as also to provide for his compensation, as delegate

legate to the House of Representatives, in the same way that the members are compensated. The bill was twice read and committed for to-morrow.

Mr. Madison reported from the committee appointed to draft an answer to the President's speech. The draft was read. It was proposed to print it. Mr. Parker thought this essentially requisite. The draft required serious deliberation; this could only be obtained by printing, for, to defer the discussion till Monday would otherwise answer very little purpose. Very few of the members could in any other way, have an opportunity to see the intended address.

Mr. Tracey expressed his fear that the people who print Newspapers might get hold of it; and then it would be published incorrectly, and when the house would perhaps be making important alterations. (The fears of this gentleman were unfounded. The Printers of Philadelphia have too much value for the time of their readers to publish any paper, knowing it to be incomplete, and on the point of being perfected.)

Mr. Sedgwick saw no reason why it might not be printed as well as any bill, or indeed any thing else. It was equally the act of the House.

It was agreed to print this draft for the use of the members.

The House made farther progress in reading the communications from the President.

The House then went into a committee of the whole, Mr. Trumbull in the chair, on the President's speech.

Mr. W. Smith moved a resolution, That it is the opinion of this committee that provision ought to be made by law for raising a force to be composed of the militia of the United States to be stationed



within the four western counties of Pennsylvania, for such period as shall be found necessary to secure the execution of the laws.

Mr. Giles wanted to have proper information how many troops would be wanted. He certainly should not oppose the motion; but he hoped that when the committee appointed should report such a bill, they would be able to give every information relative to the western counties. He was sensible that dispatch was necessary, as the provision was required to be completely enacted within thirty days; but he wished for information to determine what force would be required, and for how long a time it would probably be wanted.

Mr. Dayton agreed that information would be wanted to determine the number of troops that would be required; but if there existed an opinion that no provision of the kind is necessary, the business should be opposed in its present stage. For his part he was fully convinced that something was necessary. As to information, he wished it to come officially to the house rather than through any committee.

Mr. Sedgwick hoped that the motion would be agreed to. He had information sufficient, at the present time, to convince him that it was necessary a force should be stationed; it would be a subject of future enquiry what force would be requisite.

Mr. Nicholas said that from information he had of persons from the western counties he believed that some force should be stationed there. There were a number of persons still lurking about, who had not returned to their homes since the breaking out of the disturbances.

Mr. Fitzsimons wished the motion agreed to. The House are in possession, he conceived, of suffi-

cient information to pass the resolution. When the bill comes before them, the force required, and the term of service, would become objects of consideration. Some members have information on this subject which they no doubt will communicate. The business presses.

Mr. Murray made mention of a letter received from a general officer dated the 13th of November, which states that 1000 of the insurgents have gone down the Ohio unarmed, and that 300 armed had crossed the Ohio, and declared it as their intention to return as soon as the army should retire.

The resolution was agreed to by the committee; and likewise the four following:

That it is the opinion of this committee, that farther provision ought to be made by law, for the redemption of the public debt.

That it is the opinion of this committee, that a plan ought to be prepared, for the better organizing, arming and disciplining the militia of the United States; and further to provide for calling them forth, to execute the laws of the union, suppress insurrections, and repel invasions.

That it is the opinion of this committee, that enquiry ought to be made, whether the fortifications, which have already been licensed by law, are commensurate with the public exigence.

That it is the opinion of this committee, that so much of the President's speech, as relates to improving of harmony with the Indian nations within our limits, by fixing and conducting of trading houses, should be referred to a special committee to report thereon.

The committee then rose, the chairman reported progress, and the House took up the resolutions. The first, second, third, and fifth, were severally read

read a second time, and agreed to by the House. The fourth was agreed to, after being amended as follows :

*Resolved*, That the President of the United States be requested to direct the proper officer to lay before this House, a statement of the progress made in the fortifications licenced by law.

Mr. Murray, Mr. Hillhouse and Mr. Giles were appointed to prepare and bring in a bill or bills, on the first resolution.

Mr. William Smith, Mr. Ames, Mr. Fitzsimons, Mr. Duvall, and Mr. Nicholas, were appointed to prepare and report a plan pursuant to the second resolution.

Mr. Giles, Mr. Sedgwick, Mr. Heister, Mr. Locke, and Mr. Van Cortlandt, were named as a committee, agreeable to the first part of the third resolution.

Mr. Dayton, Mr. Hartley, Mr. Benjamin Bourne, Mr. Harrison, and Mr. McDowell, were appointed a committee pursuant to the second part of the third resolution.

Mr. Bailey and Mr. Armstrong, were appointed a committee to wait on the President with the fourth resolution.

Mr. Parker, Mr. Blount, Mr. Boudinot, Mr. Findley, and Mr. Greenup, were appointed a committee, agreeable to the fifth resolution.

It was farther resolved, that, on Monday next, the House will resolve itself into a committee of the whole House, on the speech of the President.

Mr. Parker, from the committee, to whom was referred the petition of Moses Myers, made a report, which was read, and ordered to lie on the table.

A message in writing was received from the President, being a copy of that transmitted by him, this

day to the Senate, respecting a communication from the Governor of New-York. The message and papers were read, and ordered to lie on the table.

A motion was also brought forward to provide an indemnification for the sufferers by the disturbances in the Western Counties of Pennsylvania; but it was withdrawn from before the committee of the whole with an intention of laying it on the table of the House, as some members requested time for consideration before the business was acted upon.

The House resumed the reading of the papers, communicated yesterday, by message from the President, and made a farther progress therein.

And then the House adjourned until Monday forenoon, at eleven o'clock.

SATURDAY, the 22d of NOVEMBER, 1794.

This day, the Senate waited on the President, and the Vice President, in their name, presented the address above-mentioned. The President replied as follows.

GENTLEMEN,

AMONG the occasions which have been afforded for expressing my sense of the zealous and steadfast co-operation of the Senate, in the maintenance of government, none has yet occurred, more forcibly demanding my unqualified acknowledgments, than the present.

Next to the consciousness of upright intentions, it is the highest pleasure to be approved by the enlightened representatives of a free nation. With the satisfaction, therefore, which arises from an unalterable attachment to public order, do I learn,  
that

that the Senate discountenance those proceedings which would arrogate the direction of our affairs, without any degree of authority derived from the people.

It has been more than once the lot of our government, to be thrown into new and delicate situations; and of these, the insurrection has not been the least important. Having been compelled at length to lay aside my repugnance to resort to arms, I derive much happiness from being confirmed, by your judgment, in the necessity of decisive measures, and from the support of my fellow-citizens of the militia, who were the patriotic instruments of that necessity.

With such demonstrations of affection for our constitution, with an adequate organization of the militia, with the establishment of necessary fortifications, with a continuance of those judicious and spirited exertions, which have brought victory to our western army, with a due attention to public credit, and an unfulfilled honor towards all nations, we may meet, under every assurance of success, our enemies from within and from without.

G<sup>O</sup> WASHINGTON.

The Senate returned to their chamber, and adjourned till Monday forenoon, at eleven o'clock.

MONDAY, the 24th of NOVEMBER, 1794.

The Senate assembled; the Hon. John Rutherford, from the state of *New-Jersey*, attended, and took his seat.

The petition of Samuel Stearns, physician, was presented and read. It prayed compensation to the petitioner for medicine, and attendance on certain sick soldiers, during the late war. The petition, and

account therewith produced, were referred to the Secretary at War, to consider and report to the Senate. The reading of the papers communicated by the President was then resumed, and after some farther progress, the Senate adjourned.

When the House of Representatives met this day, the petitions of Thomas Marshall and of Robert Peling, were presented and read. The petitioners prayed compensation for services and sufferings in the American army, during the late war.

Also, a petition of Abigail Lewis, widow, and legal representative of the Rev. Ichabod Lewis deceased. Mrs. Lewis prayed for the liquidation and settlement of a claim for damages done to the property of her late husband, by a detachment of the American army, sometime in the year 1776. These petitions were referred to the committee of claims.

Mr. Bailey, from the committee appointed to wait on the President as to the fortifications, reported, that the President had promised to make the proper officers lay the accounts before the House.

The Speaker laid before the House a letter and report from the Secretary at War, on the memorial of Peter Perrit, which were read, and ordered to lie on the table.

The House, agreeable to the order of the day, then went into a committee, Mr. Cobb in the chair, on the draft of the address in answer to the President's speech. The address was first read by the clerk; and then by the chairman.

Mr. Dayton rose to express his surprise, that, in the address to the President, no notice whatever had been taken of that part of the speech which related to the army under General Wayne, and as to the readiness of the House to concur in the requisite measures for a proper organization of the militia.

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The success of the troops under General Wayne might contribute very materially to the putting an end to the Indian war, and thus add to the power of discharging a part of the public debt. He then read the following amendment :

“ We are deeply impressed with the importance of an effectual organization of the militia. We rejoice at the intelligence of the advance and success of the army under the command of General Wayne; whether we regard it as a proof of the perseverance, prowess, and superiority of our troops, or as a happy presage to our military operations against the hostile Indians, and a probable prelude to the establishment of a lasting peace upon terms of candour, equity, and good neighbourhood. Our pleasure derived from this source is the greater, as it increases the probability of sooner restoring a part of the public resources to the desirable object of reducing the public debt.”

Mr. Madison had no objection to this amendment. He read a second amendment containing an answer to the following part of the President's speech :—  
“ My policy in our foreign transactions has been to cultivate peace with all the world, to observe treaties with pure and absolute faith, to check every deviation from the line of impartiality, to explain what may have been mis-apprehended, and correct what may have been injurious to any nation ; and having thus acquired the right, to lose no time in acquiring the ability, to insist upon justice being done to ourselves.”

Mr. Madison moved that his additional amendment should be inserted immediately after that of Mr. Dayton, to this effect : “ Solicitous also as we are for the preservation of peace with all nations we cannot otherwise than warmly approve of a policy in our  
foreign

foreign transactions, which never loses sight of that blessing :”

Mr. Dayton was willing that the clause should be annexed to his original motion.

Mr. Hillhouse wished the word *your* substituted for the article *a* [marked in italic in the clause last quoted], that the policy of the executive might be more clearly pointed to.

Mr. Jeremiah Smith said, that he had drafted an amendment to the address, which contained the idea the gentleman last up wished to be expressed and another; he read it in his place, it was to the following purport: “Your policy in our foreign transactions as it shews an ardent disposition for peace has our hearty approbation; and we assure you we shall omit nothing on our part, towards acquiring the ability as well as right of exacting from all nations the fulfilment of their duties towards us.”

Mr. Dayton, in the mean time, observed that there was no necessary connexion between *his* amendment and that of Mr Madison. He therefore hoped that his, with respect to General Wayne and the army on the North-western frontier would pass in the mean time. This was agreed to.

Mr. Sedgwick said that the House had been often obliged to the pen of the gentleman from Virginia (Mr. Madison). Perhaps that gentleman himself would be disposed to think the amendment of the member from Connecticut (Mr. Hillhouse) better than his own.

Mr. Nicholas preferred the amendment of Mr. Madison to any other that had been proposed. He imagined that the one offered by Mr. W. Smith pledged the House to approve of the *particular* measures adopted by the President as to foreign powers. In this Mr. Nicholas referred specially to the mission  
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of Mr. Jay to the Court of London. We are not acquainted with the individual powers or instructions granted to that envoy. Our approbation has no *datum* on which it can proceed, and how are the committee to pretend approbation for what they do not know. The President would laugh at such conduct. The amendment of Mr. Madison is more guarded. It goes to approve general principles, but not individual measures. This is, we believe, an accurate summary of the leading ideas of the member.

Mr. Hillhouse thought that he had been misunderstood. His amendment did not go beyond general approbation of principles. He never intended indiscriminate applause.

Mr. W. Smith said that the House had got themselves into a labyrinth of amendments upon amendments. It was very difficult to word an address, in such a way as to be entirely free from exception. The matter had sunk into a mere verbal dispute. He therefore moved that the committee of the whole House should now rise, and the draft should be referred back to the special committee.

Mr. Dayton knew not why the envoy (Mr. Jay) had been sent to Europe. By this he meant that he did not know his instructions. He never would approve, or say that he approved of what he did not know. He was therefore against the amendment offered by the gentleman from Connecticut. That of the gentleman from Virginia went quite far enough. Rather than vote for such a thing he would reject the whole.

Mr. Giles objected to the motion of Mr. W. Smith for rising. The President has not in his speech said that the House are informed as to the motives of his measures, or the extent of the instructions to his envoy. Why then shall the House think themselves obliged

obliged to approve them? There has already intervened a delay of several days, since the speech was delivered. If an answer is to be given at all, it ought to be given immediately. To rise and refer the draft of the address back again to the committee, will not mend the matter.

The motion for rising and referring back to the special committee, was negatived.

Mr. Nicholas then rose in defence of Mr. Madison's amendment. He thought that the House should not bow so much to the executive, as to approve of its proceedings without knowing what they were. Gentlemen say, that they do not mean an implicit approbation. Why then hazard words that infer it? He would go as far in thanking the President as any person, with propriety could go.

Mr. Lee read an amendment, which he also had intended to make. This gentleman added a few words, but in so low a voice that he could scarcely be heard, in some parts of the House.

Mr. Sedgwick insisted that the amendment of the member from Connecticut (Mr. Hillhouse) was preferable to the other. The President had said that his policy in regard to foreign nations is founded on justice. We approve of that. He recites his motives. They also are approved. Where then is the danger of expressing a general approbation? Would it be proper to give an approbation that cannot be appropriated, and that has no definite meaning? Mr. Sedgwick was far from designing to approve explicitly or implicitly, what the House were not acquainted with. He only intended to convey a general sentiment of approbation; and he saw nothing more than this in the amendment of the gentleman from Connecticut.

Mr. Hillhouse never designed indiscriminate approbation; nor had he any secret meaning couched under

der the words of his amendment. When he had any thing to say to the House, he came honestly and told them in plain words what he would be at. He meant to express his applause of pacific and equitable measures. As to the question so often referred to, (the embassy of Mr. Jay) he solemnly declared that it never was in his mind, to express any thing about it. The present members had nothing to say in the matter. It would come before another body.

Mr. Madison imagined that in his motion, as now worded, every person might see substantial approbation.

Mr. Ames. Jealousy may become habitual, as well as confidence. Nothing but a habit of jealousy could have found any thing of a secret in this verbal distinction of *your* policy instead of *a* policy. (The reader will observe that this difference of a word seemed to be the chief, if not the only expression, in each one of the two rival amendments, which was disagreeable to the gentlemen who objected to it.) The distinction was trifling, but, if there must be one, he preferred the amendment of Mr. Hillhouse. His reasons for this preference were so minute, that they perhaps had little more value than what his imagination chose to give them. In the mean time nobody will suppose that we do not approve of the policy of the President in preferring pacific measures, because the system of peace is now preferred all over the continent of America.

Mr. Dayton rose to make a reply to "remarks so *illiberal*." Mr. Ames here rose again and said that the gentleman certainly could not mean *him*.—"I mean *that* gentleman, Mr. Speaker," said Mr. Dayton, pointing to Mr. Ames. "He has accused me of habits of *jealousy*. To this charge Mr. Dayton rejoined with some warmth. He again declared that he never would pledge himself to approve  
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of the mission of Mr. Jay, till he should learn what were that gentleman's instructions. He meant to draw this line of distinction, to give approbation of general principles, but not of particular measures. The former he considered as implied in the amendment of Mr. Madison, the latter in that of Mr. Hillhouse.

Mr. Vans Murray considered the dispute as resting on the words *a* policy, and *your* policy. He would not give explicit approbation to particular measures, but he approved the general principles on which the President preferred a pacific system. This member spoke somewhat low. We understood that he preferred the amendment of Mr. Hillhouse.

Mr. Giles. It is admitted on all sides of the House, that we approve the general principle, but will not pledge ourselves to approve the particular means. It is best then, to adopt the least equivocal words. Mr. Giles allowed that there was but little difference, yet he should vote for the amendment of Mr. Madison, as it stood.

Mr. Dexter, in opposition to the sentiments of the gentlemen who had last sat down, would vote for "*your* policy," instead of "*a* policy." The latter made the sentence an abstract proposition. The words "*your* policy" made it a personal application. The omission of the word *your*, tended to an implication of censure. If an abstract proposition was the whole meaning intended to be expressed, that meaning might as well be put into any other place, as into an address to the President. He did not see the use of it. "Praise," said Mr. Dexter, "is the only reward which a person receives in a republican government; or at least, it is the greatest reward; and if withheld where due, the effect must be pernicious. Here, it would be of more particular impropriety to withhold praise, when all our constituents

“stituent” approve the pacific policy of the President.” It would have been a matter of little consequence at first, whether “*a* policy” or “*your* policy” had been adopted, for every reader would have understood it as an approbation of the President. But now, after such a debate, if we scruple at the word *your*, all the world will conclude, that we mean an implied censure.

Mr. Baldwin spoke, but an accidental noise prevented our hearing him distinctly.

Mr. Boudinot said that he adopted the word *your* as unequivocal. He had no meaning, but what was open and candid. By adopting the amendment, the house would make that language explicit, which was at present, at least in some degree, ambiguous.

Mr. Tracy pronounced an elegant panegyric on the character and conduct of the President of the United States, whom no man admired more sincerely than he did, though he could not speak this from the honour of enjoying a personal acquaintance. He recommended to Mr. Madison, rather to withdraw his motion of amendment altogether, than bring it forward at such an expence of the good temper of the House. The present session had commenced with good auspices, and much cordiality, and he would be extremely sorry to disturb this tranquility.

Mr. Madison said that he felt sensibly the force of the remarks, made by the gentleman who was last up. In consequence of these remarks, he should be happy to withdraw his amendment. This was accordingly done. The whole subject of debate became at once annihilated. It was then proposed, that the committee of the whole House should rise, and report the draught of the address as originally given in by the special committee, with the additional amendment that had been proposed by Mr. Dayton, and adopted.

Mr.

Mr. Fitzsimmons then rose, and said that it would seem somewhat incongruous for the House to present an address to the President, which omitted all notice of so very important an article in his speech, as that referring to the *self-created* societies. Mr. Fitzsimmons then read a long amendment, which gave rise to an interesting debate. The amendment was in these words :

“ As part of this subject, we cannot with-hold our  
“ reprobation of the self-created societies, which  
“ have risen up in some parts of the union, misrep-  
“ resenting the conduct of the government, and dis-  
“ turbing the operation of the laws, and which, by  
“ deceiving and inflaming the ignorant, and the weak,  
“ may naturally be supposed to have stimulated and  
“ urged the insurrection.

“ These are institutions not strictly unlawful, yet  
“ not less fatal to good order, and true liberty, and  
“ reprehensible in the degree that our system of go-  
“ vernment approaches to perfect political freedom.”

Mr. Giles rose to state at large his sentiments, as to this expression in the speech of the President, about *self-created* societies. The tone of that passage in the speech had made a great deal of noise without doors, and it was likely to produce a considerable agitation within doors. Here a motion was made for the rising of the committee. Mr. Giles did not wish to press himself upon the attention of the committee, but if they were disposed to hear him, he was prepared to proceed.

Mr. Sedgwick objected to the rising of the committee. The House had been often entertained and informed by the ingenuity of the gentleman who was now prepared to address them.

Mr. W. Smith considered it as opposite to the practice of the House, for a member to move that a committee should rise, at the very time when gentlemen

men declared themselves ready to deliver their sentiments.

It was repeatedly enquired from the chair, by whom this motion was made. No answer was given; and it seemed to be the unanimous wish of the House, that Mr. Giles should proceed, which he did accordingly. Mr. Giles began by declaring, that when he saw, or thought that he saw, the House of Representatives about to erect itself into an office of censorship, he could not sit silent. He did not rise with the hope of making proselytes, but he trusted that the *fact* of no person in America should ever be taken for truth, implicitly, and without evidence. Mr. Giles next entered into an encomium of some length, on the public services and personal character of the President. He vindicated himself from any want of respect or esteem towards him. He then entered into an examination of the propriety of the expression employed by the President, with regard to self-created societies. Mr. Giles said, that there was not an individual in America, who might not come under the charge of being a member of some one or other *self-created* society. Associations of this kind, religious, political and philosophical, were to be found in every quarter of the continent. The Baptists and Methodists, for example, might be termed self-created societies. The people called the *Friends* were of the same kind. Every pulpit in the United States might be included in this vote of censure, since, from every one of them, upon occasion, instructions had been delivered, not only for the eternal welfare, but likewise for the temporal happiness of the people. There had been political societies in Pennsylvania long before the present ones existed, and for similar purposes. The venerable Franklin had been at the head of one, entitled a society for political information. They had criminated the conduct of the

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governor of this state, and of the governors of other states, yet they were not prosecuted or disturbed. There was, if he mistook not, once a society in this state, for the purpose of opposing or subverting the existing constitution. They also were unmolested. If the House are to censure the Democratic societies, they may do the same by the Cincinnati. It is out of the way of the legislature to attempt checking, or restraining public opinion. If the self-created societies act contrary to law, they are unprotected, and let the law pursue them. That a man is a member of one of these societies, will not protect him from an accusation for treason, if the charge is well founded. If the charge is not well founded, if the societies, in their proceedings, keep within the verge of the law, Mr. Giles would be glad to learn what was to be the sequel? If the House undertake to censure particular classes of men, who can tell where they will stop? Perhaps it may be advisable to commence moral philosophers, and compose a new system of *ethics* for the citizens of America. In that case, there would be many other subjects for censure, as well as the self-created societies. Land jobbing, for example, has been, in various instances, brought to such a pass, that it might be defined *swindling on a broad scale*. Paper money also would be a subject of very tolerable fertility for the censure of a moralist. Mr. Giles proceeded to enumerate other particulars on this head, and again insisted on the sufficiency of the existing laws, for the punishment of every existing abuse. He observed, that gentlemen were sent to this House, not for the purpose of passing indiscriminate votes of censure. But to legislate only. By adopting the amendment of Mr. Fitzsimmons, the House would only produce recrimination on the part of the societies, and raise them into much more importance than they possibly could have acquired, if they



they had not been distinguished by a vote of censure from that House. Gentlemen were interfering with a very delicate right, and they would be much wiser to let the democratic societies alone. *Did the House imagine, that their censure, like the wand of a magician, would lay a spell on these people?* It would be quite the contrary, and the recrimination of the societies, would develop the impropriety of having meddled with them at all. One thing ought never to be forgotten, that if these people acted wrong, the law was open to punish them; and if they did not, they would care very little for a vote of censure from that House. Why all this particular deviation from the common line of business to pass random votes of censure? The American mind was too enlightened to bear the interposition of the House to assist either in their contemplations or conclusions on this subject. Members are not sent here to deal out applauses, or censures, in this way. Mr. Giles rejected all attempts at a restraint on the opinions of private persons. As to the societies themselves, he personally had nothing to do with them, nor was he acquainted with any of the persons concerned in their original organization.

Mr. Lyman hoped that the member from Pennsylvania would, upon reflection, withdraw his amendment. Mr. Lyman considered it to be as improper to pass a vote of censure, as it would be to pass a vote of approbation. He did not wish to give printers an opportunity of publishing debates that had better be suppressed. Besides, where will the business of censorship end? It would be much better not to meddle with the democratic societies at all. Some of them were perfectly sensible that they had gone too far. He should therefore move that this committee do now rise, and that the chairmain should report the address as it now stood.

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Mr. Thatcher hoped that his colleague would not insist on taking that question just now, before other gentlemen had an opportunity of delivering their sentiments.

Mr. Lyman in reply, said that gentlemen were at liberty, in discussing his motion, to tell their minds as to the self-created societies.

Mr. Sedgwick requested that Mr. Lyman would *take this motion out of the way*. Mr. Lyman withdrew it.

Mr. W. Smith then rose, and entered largely into the subject. He said that if the committee withheld an expression of their sentiments in regard to the societies pointed out by the President, their silence would be an avowed desertion of the executive. He had no scruple to declare, that the conduct of these people had tended to blow up the insurrection. Addressing to Mr. Giles, he thought the assertion of that gentleman too broad, when he spoke of not meddling with the opinions of other than political societies. He considered the dissemination of improper sentiments as a suitable object for the public reprobation of that House. Suppose an agricultural society were to establish itself, and under that title to disseminate opinions subversive of good order, the difference of a name should not make Mr. Smith think them exempted from becoming objects of justice. Would any man say that the sole object of self-created societies, has been the publication of political doctrines? *The whole of their proceedings has been a chain of censures on the conduct of government*. If we do not support the President, the silence of the House will be interpreted into an implied disapprobation of that part of his speech. He will be left in a dilemma. It will be said that he has committed himself. Mr. Smith declared that he was a friend to the freedom of the press; but would any one compare  
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a regular town meeting, where deliberations were cool and unruffled, to these societies, to the nocturnal meetings of individuals, *after they have dined, where they shut their doors, pass votes in secret, and admit no members into their societies, but those of their own choosing?* Mr. Smith, by way of illustration, observed, that this House had never done much business *after dinner*. In objection to this amendment it had been stated, that the self-created societies would acquire importance from a vote of censure passed on them. They were, for his part, welcome to the whole importance that such a vote could give them. He complained in strong terms, of the *calumnies* and *slanders* which they had propagated against government. Every gentleman who thought that these clubs had done mischief, was by this amendment called upon to avow his opinion. This was the whole. Mr. Smith begged the House to take notice, and he repeated his words once or twice, that he did not mean to go into the constitution of these societies, or to say that they were *illegal*. The question before the House was not whether these societies were illegal or not, but whether they have been mischievous in their consequences.

— Mr. M'Dowell was of opinion, that the term of *self-created societies* was too indefinite. He professed the highest respect for the character of the President; but he did not think that the proposed vote of censure would be any eligible proof of it. The House of Representatives were assembled, not to volunteer in passing votes of reprobation on societies, or individuals, but to legislate. He wished that gentlemen, instead of losing their time on such frivolous and inflammatory amendments, (this was the exact meaning, though perhaps not the exact expression of the member), would proceed to the proper business of the House. The gentleman from South-Carolina seemed to be well acquainted with democratic socie-

ties. It was very true that they had published resolutions reprobating the *assumption* business, and the system of funding; but *the rest of the people*, as well as democratic societies, had very generally, censured the assumption, and the funding transactions. He thought that some laws had been passed which answered no good purpose, nor indeed any purpose, but that of irritating the public. The present amendment he considered as destructive, not only to the intercourse of domestic society, but that it involved a prospect of throwing restraint upon the conduct of gentlemen in the House of Representatives. With the gentleman from Virginia, (Mr. Giles), he was satisfied, that the amendment, if adopted would have no weight whatever with the citizens of the United States; as they were too enlightened to accept of opinions from their representatives. Mr. M'Dowell, in different parts of his speech, spoke of the societies in general, as much less offensive than they were supposed, if indeed they were not entirely free from blame.

Mr. Tracey rose next. He had imagined that no man would have the hardihood to come forward in that House, and vindicate these societies. He quoted from the remarks of Mr. M'Dowell, a passage which some accident had prevented the reporter of this sketch from hearing. The words were "your wanton laws, begotten in darkness, first raised insurrection." There were likewise some other words, about the enormous expence of millions for the western expedition, which, as they were not heard distinctly, cannot be published exactly. Mr. Tracey, after reading these expressions from a memorandum, which he held in his hand, declared his surprise, that a gentleman, whom he knew to possess the candour and good sense of the member from North-Carolina, could suffer such language to escape him. He was certain that the gentleman, if he had not been somewhat in  
a hurry,

a hurry, never would have permitted these words to pass from his lips. Quitting this topic, Mr. Tracey said that he would, for his own part, be disposed to let these societies alone, and leave them *to the chastisement of their own consciences*. If they were to say "gentlemen, you as tyrants make laws, and slaves obey them,"—"I would answer," said Mr. Tracey, "It is very rash. Think again, before you say this again. We believe that, from inadvertency, some things have escaped from democratic societies, which they had not well weighed, and which had a bad effect on weak and ignorant people, in the western counties of Pennsylvania. You have seen the bad effects of your temerity. Take care before you publish any such thing again."—Mr. Tracey said, "This is all the length which we mean to go, and can any body object to this? The democratic societies form but a very small proportion of the people of America. Where is the harm of saying that one hundredth, or, I believe I might say, not more than one thousandth part of the citizens of the United States have been mistaken, and that they have been imprudent in printing certain incorrect resolutions?" Mr. Tracey declared, that if the President had not spoke of the matter, he should have been willing to let it alone, because, whenever a subject of that kind was touched, there were certain gentlemen in that House, who shook their backs, *like a sore backed horse*, and cried out the LIBERTIES OF THE PEOPLE! Mr. Tracey wished only that the House, if their opinion of these societies corresponded with that of the President, should declare that they had such an opinion. This was quite different from attempting to legislate on the subject. Has not the legislature done so before? Is there any impropriety in paying this mark of respect to a man to whom all America hath such indelible obligations? He thought

that this declaration from the House of Representatives would tend to discourage democratic societies, by uniting all men of sense against them. Mr. Tracey said, that perhaps the member who spoke last, might be connected with some of these societies, of which he entertained so favourable an impression.

M. McDowell said that he had wanted the House to avoid quarrels, and to mind their proper business of legislation. He declared that he was not a member of any such society. He did not know that he had ever been in the company of any person who was a member of any of them. He was even, he declared upon his honor, ignorant whether there ever were or ever had been, any such societies in North Carolina. He adverted to the simile of the fore-backed horse, and said, that he believed his back to have been rubbed harder in the last war than that of the gentleman. He imagined that these societies had done both good and harm, and again declared, that he would not consent to a vote of indiscriminate reprobation.

Mr. Dayton was heartily for the amendment. He observed that he wanted no evidence to satisfy him, as to the gentleman not being a member of any of these societies. If he had been connected with them, he would have known their principles better than he seems to do. Mr. Dayton said that many persons in New Jersey, who had been the most violent against the excise law, were equally so against the insurgents; and though their opinion of the law itself was unaltered, which they made no scruple of openly declaring, yet they did not, on that account hesitate about marching against the insurgents. They did not suppose that one obnoxious statute was any reason for overturning the American Constitution. The murmurs against the excise law in New-Jersey, had been converted into universal silence, because no man  
would

would venture to express his discontent, at the hazard of being suspected as a friend to the insurgents. That the democratic societies had produced the most mischievous effects in the western counties there could be no question. Letters had been received from officers in the army, who were of the most respectable characters, and who, from authentic information, affirmed the fact. It had been stated that these people would recriminate upon the House, and it had even been hinted that their recrimination might affect the President. "THAT MAN," said Mr. Dayton, "is above their censure." He believed that if their censures had any effect at all it would be to do the President honour.

Mr. Nicholas.—"When we see an attempt made in this House to reprobate whole societies so forwardly, on account of the conduct of individuals, it may truly be suspected that some of the members of this House have *fore backs*. The President has been apprised of the absurdity of making this a legislative business." Here Mr. Nicholas read a passage from the President's speech, to shew, that the notice taken of self-created societies, was not intended for a topic of discussion in that House. The passage was expressly addressed to every *description of citizens*. "And when in the calm moments of reflection, they shall have retraced the origin and progress of the insurrection, let them determine, whether it has been fomented by combinations of men, who, careless of consequences," *et cetera*. (Vide the speech itself, page 53.) Was this an address to the two Houses? Did this passage shew that the President wanted them to intermeddle? Were they called upon to give an opinion? Where could be the pretence for any thing of this sort? The House have made acts. The Democratic societies reprobate them, and then the House reprobate the Democratic societies.

When you first cut a man's throat, and thereafter call him a rascal, do you suppose that your accusation will affect the man's character? The House, by passing this vote of censure, would make themselves a party, and lose a title to unsuspected confidence. Mr. Nicholas declared, that for his own part, he never had any concern with these societies, nor ever to his knowledge, had spent an hour with any person who was a member of them. He rather, if any thing, despised them. He always had thought them the very worst advocates for the cause which they espoused; but he had come two hundred miles to legislate, and not to reprobate private societies. *He was not paid by his constituents for doing business of that sort.* The President knew the business of the House better than to call for any such votes of censure. It was wrong to condemn societies for particular acts. "That there never should be a democratical society in America," said Mr. Nicholas, "I would give my most hearty consent; but I cannot agree to persecution for the sake of opinions." With respect either to the propriety or the power of suppressing them, Mr. Nicholas was in both cases equally of opinion that it was much better to let them alone. They must stand or fall by the general sentiments of the people of America. Is it possible that these societies can exist, for any length of time, when they are of no real use to the country? No. But this amendment will make the people at large imagine that they are of consequence.

Mr. Dayton said that these societies had produced the western insurrection, and therefore the committee were as just in instituting an inquiry in this case, as formerly, regarding the failure of Gen. St. Clair.

Mr. Nicholas objected to this inference. There was a general wish that the committee would rise, as it was now a quarter past three o'clock. They rose accordingly.



accordingly. The chairman reported progress, and asked leave to sit again. Adjourned.

In this long debate, it would have been impossible to insert the whole remarks of the members at full length, but wherever it was necessary to abridge, as much attention as possible has been given to convey the exact ideas and sentiments of each individual speaker. It is unnecessary to remind gentlemen that part of every debate is omitted from an impossibility of hearing it. Those who have attempted a task of this nature, best know the numerous difficulties to which it is incident.

TUESDAY, the 25th of NOVEMBER, 1794.

The following written message was received from the President by the Senate.

UNITED STATES, *November 25, 1794*

Gentlemen of the SENATE, and of  
the HOUSE OF REPRESENTATIVES,

“ I LAY before you a statement of the troops  
“ in the service of the United States, which has  
“ been submitted to me by the Secretary of War.  
“ It will rest with Congress to consider and deter-  
“ mine whether further inducements shall be held  
“ out for entering into the military service of the  
“ United States, in order to complete the establish-  
“ ment authorized by law.

“ G<sup>O</sup>: WASHINGTON.”

The message and papers were read, and ordered to lie for consideration. The reading of the papers from the President was resumed, and after some progress, the Senate adjourned to eleven o'clock to-morrow forenoon.

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In the House of Representatives, another member, to wit; James Gillespie, from North-Carolina, appeared and took his seat.

Mr. Murray, from the committee appointed, presented, according to order, a bill to authorize the President to call out and station a corps of militia in the four western counties of Pennsylvania, for a limited time, which was received, read a first and second time, and ordered to be committed to a committee of the whole House, to-morrow.

Mr. W. Smith next moved that, agreeable to the order of the day, the House should take up the bill for granting the privilege of franking, and also to provide compensation to Mr. James White, delegated to Congress from the territory of the United States, South-west of the river Ohio. The House went into a committee, Mr. Cobb in the chair.

When the clause was read, which provides for a compensation to this gentleman, Mr. Swift objected to it. Congress already pay a sum for the government of that country, under the idea of its being a colony. Then why should the United States pay this person, delegate, or call him what you will, for his attendance? The presence of this agent can answer no purpose to that territory or to the United States. It is a mere farce to have such a person. *It is totally unnecessary that such a character as this person should exist.* An attorney or agent could give the requisite information from that territory to Congress, as well as this person; and the people of that country could receive any information which they might want, from an agent or attorney, as well as from this person. The best way for the House of Representatives to get rid of this person would be *to pay him nothing for his attendance*, and then, Mr. Swift assured the committee, that this person would very soon discontinue his appearance there.

there. Mr. Swift doubted the legality of paying any person, except real members. He moved to expunge the whole clause for the compensation to this person.

Mr. W. Smith expressed himself extremely both surprised and hurt by these observations. The bill had been twice read in the House, and, as he thought, had been agreed to; and an opposition in the present stage was quite unexpected. It was true that the federal government paid a sum annually for the civil establishment of that territory, but the gentleman from Connecticut should remember that these people paid an excise to the federal union. As to the *illegality* of paying this gentleman for his attendance, Mr. W. Smith entirely scouted that idea. "We pay the clerk of the House; he is not a member. We pay the serjeant at arms; he is not a member. We are in fact entitled to give what payment we think fit to any person who attends here."

The question was then put, Shall the clause for the compensation of James White, be expunged from this bill? The question was negatived almost *unanimously*.

The Speaker then suggested to the chairman of the committee an amendment in the wording of the clause. This was immediately adopted; the committee rose; and the chairman reported the bill with this amendment. The bill was then ordered to be engrossed for a third reading to-morrow. Thus Mr. White, as to compensation, and franking of letters, is to be placed on a level with the members of the House.

A written message was received from the President, in the same terms as that to the Senate, with a copy of a statement from the Secretary of War of the troops now in the service of the United States.

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Mr. Giles then called up a motion, that had been laid on the table, some days ago, That the President be requested to direct the proper officer to state to this House, the difficulties and inconveniences which have occurred in the execution of the act, intituled "An Act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States." The resolution was agreed to, and Mr. Moore and Mr. Gordon were appointed a committee to wait on the President, and inform him of it.

The House according to the order of the day, went again into a committee on the speech of the President, and the amendment of Mr. Fitzsimons, Mr. Cobb in the chair.

Mr. Murray said, that he did not altogether like the precise wording of the amendment now before the House; he had hoped that some modification of it would have been prepared by some of the friends to its general object: but as none was offered, and there was a call for the question, he would vote for it, rather than against it. He said, that he had not been personally attacked by any of the tribunals in question, and no farther injured by their machinations, than as he was a citizen of a free republic, in whose prosperity he felt the closest possible union, and in whose calamities he of course felt the completest sympathy. Among the various sources of the late calamity, the President had traced and designated certain self-created societies, who had arrogated the management of public opinions and affairs, and whom he had declared to have been in his opinion instrumental in fomenting the late insurrection. Mr. Murray confessed that he had feared last winter, lest the disorganizing spirit, which had gone abroad in the shape of resolutions from these societies, would have produced the effect ascribed to them by the President,

President, nor did he think that it required much foresight to have anticipated such a consequence. The conduct of the democratic clubs, or those of them with which he had most acquaintance, appeared to him to have been instrumental to an event which had threatened destruction to the legitimate government of the citizens of the United States. If we believe this to have been the case, Mr. Murray knew no motive, duty or policy, which ought to restrain us at this period from saying that we believed and lamented it. If any one of the sources of this evil be found in an abuse of the press, we may tell our constituents what we believe and lament. But if the fountain of this evil flows from the root of the tree of knowledge itself, it is our duty to point out its waters, which too freely drank have produced distraction and insurrection. Our declarations will rather hold out paternal caution to the thoughtless, than inflict legal penalties upon their follies. It will present to our fellow citizens a memorable example of one source of error and political misfortune, by shewing them the danger, which has already cost above twelve hundred thousand dollars; a danger which is, in a degree declared to have arisen from a part of the community following these mere meteors of self-created societies, and irresponsible bodies of men, and of forsaking a candid observance of their own laws; and it will enforce a great republican truth, that in cases wherein, from the difficulty of definition, and from the very genius of freedom, a law would be dangerous, public virtue, in her enjoyment of a right, ought herself to prescribe the bounds which separate the use from the abuse. He could not see any evil that was to result from an expression of the opinion of the House, by the proposed amendment. It had not the quality of a law, for if a law were proposed for the abolition  
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of these societies, he would be one of the most zealous in opposing it. This amendment to the address would operate as an advice. It curtails not the high and inestimable right of a free press, which Mr. Murray held to be the luminary of the public mind. It would tend to excite a judicious and salutary enquiry among many, respecting the just and true limits within which a virtuous and enlightened well-wisher to our country would think it becoming and safe to exercise this high right, and coming from the confidential servants of a free constituent body, who rather affectionately advise against an abuse than sharply attempt to controul it by the rigour of law, it would not be deemed, even by the most jealous, as a measure indulged in merely by the arrogance of our short lived power. Of the inutility, nay, danger of such societies in this country, he had little doubt; the scene of their birth place was well adapted to the display, and to the wholesome display of their powers. In that country abroad, which is at present the scene of the most splendid struggle for liberty, which, our own excepted, the world ever saw, in France, where a despotism impregnable to public opinion had reigned, where no channel opened a sympathy by representation, with the great body of the nation, those societies were admirably adapted to break down and subvert the old bulwark of habitual authority. But contrast the scene in which their utility was first manifested with that where their mode of action has been supposed by so many persons to have produced evil, and it will be seen whether they were called for by necessity, or are tolerable from experience. Look at the immense body of public functionaries, who in this country are elected immediately by the people, or by their electors, in a constitutional mode, and say, whether they are not adequate as functionaries to the public purposes

purposes of the country. Including every description of legislators, councils, governors, courts, jurors, and sheriffs, there are above twelve thousand. Of these more than eleven hundred are actual legislators, besides the hundred in this committee and those above stairs. These all act in the states, counties, townships, and hundreds, in separate but relative circles, so as to preclude a partial attention to any one scene to the exclusion of another. The whole country is full of well constituted organs of the PEOPLE'S WILL. Many of these legislators are in session twice a year, and all of them annually. In surveying this beautifully arrayed corps of vigilance and public good, we might be confused by their immense number, were they not so admirably dispersed over the continent, and did they not move under the guidance of the laws, with the harmony of the spheres. It would not be easy to organize the nation into a more multifarious shape. The case mentioned by Mr. Dayton yesterday, appeared to be strong. He said that we had enquired into the defeat of St. Clair's army, and so we might into the causes of the insurrection. It was answered, if he recollected rightly, that the argument would not apply, because that was an enquiry into the effect of facts, this of opinions. So does a trial of an indictment on a libel, so does an action for words. There may be a criminal use of the right of speaking and of writing, and though no law can reach the evil, yet there may be great criminality. The public good, and the rights of others, must afford, every man of virtue and reflection the scale by which he is to measure the exercise of these invaluable distinctions of a freeman. He can have no right to do wrong, and to bring calamity on his country. That the law has ventured to prescribe a remedy against the violences of opinions when the rights and

happiness

happiness of an individual are affected, and none, when the individuals aggregately, as a nation are injured, is perhaps, to be attributed to the extreme difficulty of definition, on so tender a subject, and the difference between the passions which support the gratification of self-love, and those which actuate us in estimating the rights of the collective nation. In the first case, an injury offered to an individual from the press, is followed by all the passions that swarm around the standard of self-love, and here we see that the world has readily admitted the practicability of drawing the distinction between use and abuse. But as the connection between self, and the rights and happiness of the nation, is not palpable to all minds, it is not as obvious, as it is natural, that an injury done to the nation by an abuse of free speaking or writing is as great an abuse of the right, as if done to an individual. The House have the right to enquire into the cause of the late insurrection, and if they find that cause in the midst of our liberties, such a sanctuary is not to screen it from remark. To point it out to a people so enlightened will be to prevent it in future. Having found the conduct of certain self-created societies among the causes, if we agree in opinion with the President, the House speaks its opinion of the truth, and does its duty in so declaring. This declaration goes to the constituent body through the executive, and while it gratifies their enquiries in a point of so much solicitude, it erects a warning beacon. It shews to them the stormy breakers which lately threatened the public peace with shipwreck, and invites them to adhere to pilots of their own choosing, and to charts with which they are acquainted. In the rage for innovation, which is perhaps the natural infirmity of free governments, and particularly of a people surrounded with such a choice of blessings,

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sings, while we durst not, with not, to shackle the great rights of free men, as the confidential servants of the people, it is our duty to present to their view a great instance, in which the exercise of a right has been pushed to a fatal excess. To endeavour to enforce, by a calamitous example, upon the public mind that, in a free republic, in cases where the delicacy of liberty will not endure a law, public virtue by her wholesome indulgence of a right, ought herself to prescribe the bounds of its use from its abuse. We mean to do no more. Mr. Murray would not do more. He had no hesitation in declaring his opinion of such societies. He knew of no good which they had done, and he believed that they had done much and great mischief. They acted in the dark, and exercised a dreadful inquisitorial character, without the restraints that constituted and responsible bodies felt. They had, in the opinion of Mr. Murray, been, in a great degree, one of the causes of the late insurrection, by the diffusion of opinions and assertions, which had roused into sedition the rude and unenlightened people in the four western counties of this state. They resembled the invisibles, those tribunals which, in the fifteenth century, executed their vengeance in the shape and name of punishments on those whom they hated. But though the societies have not murdered, they have converted that instrument of modern political salvation, *the press*, into an engine of state torture, and though they have not poisoned, they have put this government on the rack; and nothing but the virtue of citizens in general, and of our gallant countrymen in the west, in particular, have rescued the government from an untimely end. For this it would be wrong to have any penalties inflicted, but though the cord of the law cannot reach their doctrines, their conduct, when reprehensible, may and

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ought to be held up and gibbeted, as a spectacle. In old corrupted monarchies, these sorts of tribunals may serve a revolutionary cause to effect. They force that reform, which the shape and firm texture of disposition will never voluntarily and easily admit. But they can no where be considered, as any thing more than the substitutes of a constitutional representation of THE PEOPLE. In a representative government, like the United States of America, where besides the states, these great pillars of the whole, an hundred and thirty odd doors admit the most free circulation of public opinion, agreeably to a constitution willed by the people\*, where there are fifteen state legislatures, in which annually, at least, eleven hundred Representatives watch over the depository of freedom and national happiness; and where above all, an enlightened public, at a distance from factionness, are the best possible judges of men, and adequate judges of measures, such tribunals appear unnecessary and obtrusive guardians, and being irresponsible, and unelected, are dangerous to the peace and good understanding of the country. If the President had not thought some of the societies instrumental to the late calamity, they would not have attracted his notice, nor that of the House. It is because they are believed to have assisted and fomented the insurrection, that our constituents ought to be warned against them; and that another necessity for exerting their patriotism may be saved to those brave men, who are at present encountering every difficulty in the West. These societies are not attended to by the law, because, however offending some of their proceedings and doctrines may have been, yet the rights of the press ought

\* Mr. Murray, by "an hundred and thirty odd doors," means, the members of Congress.

not to be freely handled. The probe that would reach the bottom of the sore, might give a spasm or a callous to the finest nerve which enlivens the organs of freedom. We may point out the sore to our constituents, and though it might be empiricism to cut it out, we may give it an emollient dressing, and trust to the soundness of the national constitution, and the regimen of reflection, for the cure.

Mr. Fitzsimons observed, that he had no violent predilection for any performance of his own. He had therefore, to prevent so much disputing, prepared to withdraw his motion, provided the committee were willing that he should do so; and in the room of this motion, he would read another, for which he was indebted to a gentleman who sat near him\*. The committee consented. The motion was withdrawn, and the other was read. It was in these words:

“ In tracing the origin and progress of the insurrection, we can entertain no doubt, that certain combinations of men, careless of consequences, and disregarding the truth, by disseminating suspicions, jealousies, and accusations of the government, have had all the agency you ascribe to them, in fomenting this daring outrage against social order, and the authority of the laws.” A motion of amendment was then made by another member to impute this agency as well to “ *certain self-created societies,*” as to the “ *combinations of men.*”

Mr. Christie then rose. He was sorry to differ from his worthy colleague (Mr. Murray) on the

\* In the Philadelphia Gazette, where the first sketch of this debate appeared, the new motion is said to have originated with Mr. B. Bourne. The Editor hath since learned that this was a mistake, Mr. Bourne only handed the paper to Mr. Fitzsimons from a third member, without knowing its contents.

question then before the committee; and he was doubly sorry to hear that gentleman labour so strenuously to saddle a public odium on some of the best citizens of the state (Maryland) which he represented. Mr. Christie should not have risen on the present occasion, although he thought it an important one, had it not been to endeavour to rescue, from public censure, a society of gentlemen, who were described in the present amendment before the committee, as objects of public opprobrium. Mr. Christie alluded to the Republican society of the town of Baltimore. If the present amendment took place, that society would be involved in general and undeserved censure. He would therefore inform the House of what description of men the Republican society of Baltimore consisted; and then the committee would be the best judges, whether they ought to be rewarded in the manner in which they were about to be rewarded, if the present amendment should be adopted. They were a society of gentlemen associated together, for the purpose of diffusing political knowledge throughout the state of Maryland, and to instruct their representatives in Congress, and the Legislature of the state, in any point that they thought necessary, and not for the purpose of sowing dissension among the citizens of America, or of cultivating dislike to the union, and to the laws. This society consisted of men, whose characters were superior to any censure that might be thrown against them, by the mover of the amendment (Mr. Fitzsimons); for they would consider it no discredit to have his disapprobation. But when Congress are about to cast an odium on a particular society, who have every respect for that body, and have always inculcated obedience to the laws of the United States, Mr. Christie left it to the committee to determine, whether, if they were themselves in the  
place

place of the Baltimore society, they would not feel their sensibility materially wounded? Was not this returning good for evil? He again reminded the committee, that the Republican society at Baltimore was composed of a band of patriots, not the fair-weather patriots of the present day, but the patriots of *seventy-five*, the men who were not afraid to rally round the American standard, when that station was almost concluded to be a forlorn hope. They were men who, with their persons and properties, had assisted to drive from the soil of America, the present lawless disturbers of the world. "Are these the men," said Mr. Christie, "who ought to have all this mass of Congressional odium cast upon them? I trust not, sir. I trust, that if particular gentlemen are illiberal enough to censure them, yet that this House will never agree to such iniquitous measures. What was the conduct of this society when the first news of the late insurrection reached them? Did they not, in the most pointed manner, discountenance any such proceeding? Did they not refuse to correspond with any society that aided, or in any manner abetted the insurrection? They did more. They offered their personal services to go and help to crush this commotion in the bud." Mr. Christie subjoined, that he would venture to say, and at the same time he spoke within bounds, that nine-tenths of this society actually took up their muskets, and marched into the field, for the above laudable purpose, and that numbers of them still continue there, and are the friends of peace and order, and not the *disorganizers*, that the present amendment would make them. Mr. Christie applied to the candor of the committee to say, whether the Baltimore *self-created* Republican society were the description of men whom the President, in his speech, meant to de-

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scribe.

scribe. He was sure it was not. Therefore why involve, in this indiscriminate censure, men, who have deserved so well of their country; men, who, instead of having odium cast upon them, merit every praise which the Federal government can bestow. For these, and some other reasons, Mr. Christie declared that he should vote against the amendment, and he trusted that he should vote in the majority.

Mr. Murray rose to explain. He did not mean this society. It was the Philadelphia and Pittsburgh societies. Mr. Murray was acquainted with this society, and had the greatest respect for them. As for the members of the other societies, he was for gibbeting their principles only.

Mr. Rutherford. This alarm is owing to AN OVERGROWN MONIED SYSTEM, with which the people are not entirely satisfied. But the money-holders need not be afraid. The people will pay the public debt. Then why disturb the tranquillity of the people? The President, in his speech, points only at combinations over the mountains. As to the character of the President himself, to praise him was like holding up a rush candle to let us see the fun. "I have known that man," said Mr. Rutherford, "for these forty years. I have had the honour of serving under him in the last war, and of frequently executing his wise and noble orders." The member declared that this amendment could answer no purpose but that of disturbing the public peace. He himself represented as respectable a district as any in Virginia, and he had as good opportunities, as any gentleman in that House, to know the temper of Americans. They were firmly attached to the present government, and the holders of paper need not be so much afraid of democratic societies, for the people, to preserve the public tranquillity, were determined to discharge the

the public debt, no matter how it was contracted, and therefore it would be much better not to harraßs the public mind with amendments like that on the table. These are some of the leading remarks delivered in this speech.

Mr. Giles said that he had an amendment to propose, that would, he hoped, meet with the approbation of a certain description of gentlemen in that committee. His amendment was to strike out the words "*self-created societies*," from the amendment of Mr. Fitzsimons, and insert "the democratic societies of Philadelphia, New-York, and Pittsburgh." Gentlemen would then have some specific object at which they could say that their vote of censure was leveled; for the general expression of self-created comprehended every society of any kind in the union. For his own part, he was very far from wanting to censure any set of men for their political opinion.

Mr. Parker seconded the motion for striking out, but he would not consent to *the insertion* proposed by Mr. Giles. The rest of this debate, therefore, was on striking out, or inserting the words, *certain self-created societies*, in the new amendment proposed by Mr Fitzsimons.

Mr. Sedgwick was opposed to striking out the words: the democratic societies were certainly the objects of censure in the speech; they certainly merited censure, and such ought to be the declaration of the committee. In this way the President ought to be supported by the Legislature.

Mr. Venable said, that there was a paper on that table (he referred to the letter from Mr. Hamilton to the President) which shewed, that the combinations in the western counties began their existence at the very same time with the excise law itself. It was therefore entirely improper to ascribe them to democratic societies. "Should government," said

Mr. Venable, “ come forward, and shew their imbecility by censuring what we cannot punish? The people have a right to think and a right to speak. Let us, if we have a title to do it, punish them; but shall we indiscriminately censure *all* societies, for self-created are all societies in this country? I am not afraid to speak my sentiments. I am not afraid of being called a *disorganizer*. I am, as much as any gentleman in this committee, a friend to regular government.”

Mr. Dexter believed that such societies were in themselves wrong, but he was still not for making laws against them; he had however numerous objections to their conduct. One of these was, that they erected themselves into a model for the rest of their fellow-citizens to copy. The great principle of republicanism was, that the minority should submit to the will of the majority. But these people have elevated themselves into tyrants. Such societies are proper in a country where government is despotic; but it is improper that such societies should exist in a free country, like the United States; and hence Mr. Dexter was a friend to the amendment as proposed by Mr. Fitzsimons. It had been said, that it was unusual to give opinions of this kind; but in reality the House were in the practice of expressing their sentiments on matters of that sort, in such addresses as the one now before them. Mr. Dexter was decidedly against the amendment upon the amendment, proposed by Mr. Giles. He stated the reasons on which the propriety of echoing that part of the speech under consideration is founded. Congress is the centre of information; it is treason against the people to withhold that information from the people, in the remotest part of the union. It is impossible to notice that part of the speech now under consideration, without giving an opinion relative



lative to a fact ; we must have an opinion on the occasion ; two branches of the government have expressed their opinion, and it is the indispensable duty of the committee to express theirs. Every man, said he, who votes against expressing this opinion, will be considered as advocating these institutions.

Mr. Gilbert regretted that the subject had been drawn into so much discussion, but it had developed so many facts, and occasioned so many assertions relative to these societies, that it was become indispensably necessary for the committee to give an opinion ; and he conceived that no solid objection had been offered against the motion, as it lay on the table ; he insisted that the assertion in the speech was well founded ; that the evils stated have taken place and originated in the combinations and proceedings of these self-created societies. This being the principle of the case, there results an evident propriety in our saying so ; it is a fact which cannot be better expressed than in the words now on the table.

Mr. Nicholas. Gentlemen have forced us into a discussion, and then say that we must decide as they please, in deference to the President. This is the real ground and foundation of their arguments. But who started this question ? If the gentlemen have brought themselves into a difficulty with regard to the President, by their precipitation in proposing votes of censure, which they cannot carry through, they have only to blame themselves. “ Is it expected,” says Mr. Nicholas, “ that I am to abandon my independence for the sake of the President ? He never intended that we should take any such notice of his reference to these societies ; but if the popularity of the President has, in the present case, been committed, let those *who have hatched this thing*, and who have brought it forward, answer for the consequences. This whole question turns upon a matter of

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of fact, which ought to be proved, viz. have the democratic societies been one of the principal causes of the western insurrection? This is a matter of fact, or otherwise, and it depends upon direct evidence. But how do gentlemen handle this question? They digress into abstract propositions, a thing never heard of before, where a matter of fact was to be proved. I say that, where direct proof is wanted, we see gentlemen *standing on the floor for half an hour together*, without attempting to advance a single fact in support of their assertions; yet this is the only admissible kind of evidence, that the societies are, from their nature, unfriendly to the Federal government." Mr. Nicholas then adverted to a remark which had been made, we believe by Mr. Dexter, that libels were daily prosecuted in this country, from which it was inferred, that calumnious attacks on government were the just objects of reprehension. Mr. Nicholas said, that the comparison was not fair, because in a case of libel, the parties accused have a proper opportunity to defend themselves. Have these people here (to wit, the democratic societies), any such opportunity? It has been alleged, as a crime against them, that they have never once published any approbation of any measure of government. Mr. Nicholas argued that this arose from the very nature of their institution, which was to watch the *errors* of the legislature and executive, and point out to the public what they considered to be mistakes. Faults were the only kind of facts which they were in quest of. Here Mr. Nicholas drew a material distinction. If these societies had censured every proceeding of government, there would have been the greatest reason for taking some measures. But what was the case? As to an immense number of the proceedings of the executive and legislature, they had taken no notice whatever.

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Mr. Sedgwick said, that in a government of departments, such as that of the United States, where the executive power was lodged in the hands of an individual, and where the legislature was not perpetually in session, there seemed to be a propriety in point of theory, sanctioned by the practice of all such governments of which we had any knowledge, that the executive should exhibit to the legislature, at the commencement of its deliberations, a general picture of the state of the community, and announce such facts as had affected, or might materially affect, the public happiness. That in addition to the obvious propriety resulting from the nature of things, it was made constitutionally the duty of the President, to represent to Congress the state of the union. And that in doing this, such subjects were not alone to be selected, as were within the appropriated limits of legislation. The President, in conformity to a universally established practice, and in performance of the duties exacted, as well by the confidence reposed in him, as by the express provision of the constitution, had declared to the legislature, that an unnatural insurrection had taken place against the government and laws, and that it had been fomented by certain combinations of men, under the general denomination of self created societies." The first question which presented itself to the committee, was, whether the facts, as stated by the President, be true? and if so, the second question was, whether it was the duty of the House to give their voice in support of the President's declaration? He was prepared, upon very mature and deliberate consideration, to give his unqualified assent to both questions. A gentleman (Mr. Giles) had said, that to echo the sentiments of the President, would destroy that unanimity which was so desirable in the House, and produce discord and irritation. No man would go further

further than himself to obtain or continue unanimity in the public councils ; but he was at a loss to determine why gentlemen should permit themselves to be irritated at a declaration of the truth, respecting mischievous societies. The present amendment (of Mr. Fitzsimons) would have a tendency to plunge these societies into contempt, and to sink them still farther into abhorrence and detestation. Mr. Sedgwick pronounced them to be *illicit* combinations. They are societies which no member has undertaken to defend. One gentleman (Mr. Nicholas) tells you, that he despises them most heartily. Another (Mr. Lyman) says that they begin to repent. Will the American people perversely propose to shoulder and bolster up these despised and repenting societies, which are now tumbling into dust and contempt ? Their conduct differed as far from a fair and honourable investigation, as Christ and Belial. They were men prowling in the dark. " God is my judge," said Mr. Sedgwick, " that I would not wish to check a fair discussion." It had been said, that the adoption of the proposed amendment might be construed into an intention of restraining the freedom of debate. He was sorry to see any where, and more particularly in the legislature, a disposition to confound freedom and licentiousness. They were indeed as Christ and Belial. Was there not, he asked, an obvious distinction between a cool, dispassionate, honest, and candid discussion of political measures, and a wicked, false, and seditious misrepresentation of public men and public measures ? The former was within the province, and it was the duty of freemen ; the latter was inconsistent with moral rectitude, tended to the destruction of freedom, and to produce every evil which could afflict a community. He was willing to concede, that perhaps no boundary would be so accurately marked,

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by which the one might, in all instances, be subjected to punishment, without endangering the other. The boundary was nevertheless distinctly marked in the mind of every man correctly instructed in morality and politics. If then it was agreed, that this was not a subject on which legal discussion was contemplated, it was asked, why should the House express an opinion on it? Mr. Sedgwick said he would ask in his turn, why express the other sentiments already unanimously agreed to in the address? Why particularly approve the gallant conduct of Gen. Wayne and his brave army? If the House might do this to conduce to the public benefit, by stimulating to like virtuous actions, why not, when it might equally promote the public interest, repress vice, by inflicting deserved censure? The motives, the objects, and effects are the same, the public good. Where would gentlemen find an authority in the one instance, which was wanting in the other? One gentleman (Mr. M'Dowell) had said that the insurrection had not been fomented by the wicked and insidious conduct of democratic societies, but by the wanton acts of the government itself; and he had instanced as evidence of this, particularly the funding system and the assumption. Mr. Sedgwick said, that if he had not previously known the gentleman, he should have supposed that he had imbibed his political doctrines at the streams which issued from the impure fountains of democratic societies. It had been the trick of those societies to represent the public debt, not as it was in fact, the purchase of our freedom and independence, but as wantonly and wickedly created by the legislature to destroy the pure principles of our republican government, and to substitute in its stead a vile aristocracy. This they know to be unfounded and false. It might be improper in point of time, it was only so

on that account, to speak to those subjects which had been misrepresented by the false heads of the clubs. He would, however, submit to the candid consideration of the gentleman who made so violent an attack in respect to the assumption of the state debt, whether prudence, policy, justice, or humanity dictated leaving states in point of public burden in that state of inequality in which the government found them? some almost without any debt, while others were so burdened, that the partial provision which they made, created immense discontent, relaxed the sinews of government, prevented the encouragement of manufactures, and promoted emigration? Were the states thus circumstanced, less meritorious than their neighbours? and was the gentleman so well acquainted with the subject, as to be assured that an efficient provision could be made for what he would term the domestic debt proper, independent of the assumption? He said, he had never been able to account to himself for the extreme opposition which gentlemen had given to this measure, in his opinion, indispensable to the national prosperity. A gentleman (Mr. Nicholas) had said, that those associations were lawful, that sometimes they had conducted properly, and sometimes otherwise. Mr. Sedgwick said he had never heard of any instance in which they had done the former; he could not therefore assent to the assertion, whatever the characters of the individuals might be who composed those societies. If it was true, which was the case as far as his information extended, and he appealed to the observation of other gentlemen in confirmation of his own, that they were composed generally of men disaffected to the government, combined under the specious pretence of giving to the people impartial political information, with the seditious intention of slandering the measures of government and its administrators;

miniftrators ; if by misrepresentation and falſehood they had deceived the people, fomented rebellion, and put at hazard the happinefs and liberties of the country, which he believed to be the caſe, he had no doubt that they were unlawful, and dangerous ſocieties, againſt whoſe deſigns the people ought to be warned by thoſe whom they had elected as their public guardians. Mr. Sedgwick, to expoſe to the conſideration of the committee the public benefits derived from the adminiftration of the government, contraſted the ſituation of the United States before and ſince the adoption of the conſtitution. During the former period he ſaid the American name was degraded and diſgraced ; the citizens almoſt intolerably burdened by taxes, and yet the revenue unproductive and public credit proſtrate ; the ſtates employed in legiſlative hoſtility ; private confidence deſtroyed ; and every friend of his country painfully agitated with apprehenſion of ſtill more dreadful conſequences. During the latter period, the American name had been rendered honourable and glorious ; without burdening the citizen, public credit and private confidence reſtored ; manufactures inſtituted, and navigation extended, and every man enjoying all the bleſſings of liberty and ſecurity. This, he ſaid, was a ſtate of ſociety which ought not, for ſlight or trivial cauſes, to have been diſturbed. Although with reſpect to the meaſures of the government, and particularly the exciſe, there had exiſted a difference of opinion, yet there was a very conſiderable majority in favour of it. And although ſome uneaſineſs was at firſt expreſſed concerning it in ſeveral parts of the United States, yet cool and temperate diſcuſſion had quieted and almoſt annihilated oppoſition, when a foreign agent, (Genet) arrived in this country. The moment that man ſet his foot on American ground, he attempted the

the exercise of the rights of sovereignty. In defiance of decency, and the constituted authorities of the people, in violation of law and our duties of neutrality, he attempted arming our citizens, and involving us in the horrors of war. This unwarrantable attempt was defeated by the vigilance and the manly patriotic exertions of the President. During the route of this man from Charleston to Philadelphia, he was every where attended by the hofannas of the disaffected; and wherever he could find a fit soil, he planted the seeds of seditious opposition. The produce has been abundant in the democratic societies throughout the United States; and wherever they have obtained a degree of prevalence, a good disposition towards the government, and the administration of it, have been blasted. The people had instituted their own governments; such powers as they pleased they had delegated, and such as they chose, they had retained. They, too, had employed such instruments as their wisdom dictated, to express and to execute their will. But the members of these clubs, revolting from the state of equality of which they said so much, had assumed functions inconsistent with every principle of republicanism. These societies, self-created, without delegation or controul, not emanating from the people, nor responsible to them, not open in their deliberations, nor admitting to them any but those of their own political opinions, and of endless duration, have modestly assumed the character of popular instructors, guardians of the people's guardians, and governors of their government. These societies, thus unconstitutionally constituted, ought at least to have been impartial in the execution of their assumed trust. What, he asked, had been their conduct? Was there nothing in the administration of government which would admit



admit of approbation? They had been either blind, as to the discovery of any such acts, or dishonest, in the suppression of them. On the other hand, these societies had loaded the characters of every man in the administration of the government, and who had assented to its acts, with every species of calumny and slander, with slanders which they knew to be unfounded and false. They had not even spared the character of that greatest and best of men, who had been supposed to be clothed with inviolability; not indeed that paltry inviolability which exists in constitutional prescription; but one infinitely more dear to an ingenuous mind, founded on the public gratitude, and resulting from disinterested and invaluable services. The democratic societies told the people that they would be slaves. Was not this wrong? They should have told them what was well done, as well as ill done. From Portland, in the eastern states, to the other end of the continent, have they ever approved of one single act? They have scrutinized, with eagle's eyes, into every fault. Whom are we to trust, them, or THE MAN that, more than any other *human* man ever did, possesses the affections of a whole people? The question is, shall we support the constitution or not?

It would be tedious said Mr. Sedgwick, to go into a particular recital of all the unwarrantable proceedings of the democratical societies; he should therefore content himself, with mentioning only one or two instances, within the recollection, perhaps, of every man in the committee. In the democratic society of Wythe county, the character of the President was directly attacked, and the people were expressly called upon to concert measures to prevent his continuance in office. Perhaps this might be justified upon the principles of our government. They did not however stop here. They expressly exhorted the people

to resist the constitutional acts of government. Perhaps it might be said, that these transactions were in an obscure part of the country, and that the members were contemptible in influence and information. The same could not be said of the society in this city, the centre of information, and the members respectable for their rank in life, and for their political knowledge. This society had expressly denounced every man, who had assented to certain laws, as tyrants; and at the same time had declared, that none would submit to them but slaves. Let gentlemen, said he, determine what effects might reasonably be supposed to result from such denunciations and declarations, issuing from the seat of government, among the ignorant and unenlightened inhabitants beyond the mountains. It ought to be observed, he said, that at the time of first instituting these societies, the flame of sedition, in the scene of the insurrection, was almost smothered; but on the promulgation of their sentiments, it kindled into a blaze which threatened to involve in a general conflagration the peace, happiness, and liberties of our country. He said these were the facts which the consideration of the subject involved, and it was for the committee to determine, whether the President, or these pernicious societies, should, on this occasion, receive the countenance and support of the representatives of the people.

Mr. M'Dowell rose to make an apology for some words which had escaped from him the day before. He did not expect to have been so smartly handled. He had been forcibly struck at the time, and had spoken from a momentary impulse. In substance, however, he adhered to all his former allegations. He still persisted to believe, that *the excise laws were shapen in darknefs*. He apologised for some part of his heat, from having seen and suffered so much by despotic government, during the last war, in which  
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this gentleman supported the character of a brave and able officer.

Mr. Hillhouse approved of the amendment, as proposed by Mr. Fitzsimons. Constituents made no scruple to tell representatives of their faults, and he saw no reason why representatives might not tell constituents of theirs? The resolutions of democratic societies printed in the newspapers, had spirited up the people in the western counties to resistance. They had weakly fancied, that the American nation would not stand by their Constitution and their President. But for the publication of these resolutions, there would have been no insurrection. This was a piece of information which the people of the United States had a right to know. It was the duty of that House to let them know it. The President had done his duty. Mr. Hillhouse did not consider the present amendment, (of Mr. Fitzsimons) as an indiscriminate censure, levelled at these societies; he thought it only a suitable answer to that part of the President's speech.

Mr. Parker concluded this debate, by a short series of remarks. He did not think that democratic societies were so far to blame as had been imagined. He suspected that the President himself, for whose character and services, he felt as much respect and gratitude, as any man in America, had been somewhat misinformed, on this point. It would be absurd to say, that the western disturbances originated from the publications of democratic societies, if it could be proved, to the satisfaction of the committee, that such disturbances had begun, long before any of the associations alluded to had a being. To prove this position, Mr. Parker desired that the clerk might read a passage from the letter on that affair, written by Mr. Hamilton, and which has already been published in all the newspapers. The clerk accordingly read a part of the letter, from which Mr. Parker

argued, that his inference was incontestible, and he then stated the absurdity of making the democratic publications the origin of a discontent which existed before them. He was satisfied that the President did not wish *this thing echoed*; and that he would entirely disapprove of the proposed persecution. Mr. Parker said, that he had the honor of being a member of a democratic society. He did not know every one of the members; but those whom he did know were among the most respectable part of the community. That they were friends to good order and the federal government, there could be no question, for when the embargo was laid last spring, and some vessels had been attempting to get off, these vigilant citizens armed and embodied themselves, and prevented the execution of the design. He mentioned another instance of the patriotism of some of the members of that society. On the late call to draw out a select corps of militia to repel invasions, or suppress insurrections, the officers of the light infantry companies of Norfolk and Portsmouth, who were members of the democratic society above mentioned, turned out as volunteers for the first requisition, at a time when some other officers, *not* of that society, were drafted to take their tour. With all his respect for the President, Mr. Parker was not to give up his sentiments or opinions for the sake of any man. He was convinced, that all this violent declamation and irritation in the House, would do a great deal of mischief, when it transpired, and would have an effect exactly the reverse of what was designed by the amendment, as it first stood. A gentleman (Mr. Dexter) had spoke of town meetings, as the proper vehicles for the communication of political ideas, and had drawn a comparison between these and democratic societies. Mr. Parker requested that it might be noticed, that in the southern states there neither  
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were, nor could be, such things as town meetings, because the population was too thin, and too widely scattered. They were therefore to make the best of it which they could, and to meet and deliberate, no matter where, whenever they found a convenient opportunity. Mr. Parker expressed, in strong terms, the aversion that his constituents would feel to this species of censorship. He concluded with these words, "They love your government much, but they love their independence more."

The question was then called for. Mr. Ames rose and said, "I had some hopes that this question."—He was informed that he was too late. The ayes and noes were twice counted, on the amendment proposed by Mr. Giles, for striking out the words *self-created societies*, and from the new amendment of Mr. Fitzsimons. For the amendment of Mr. Giles, ayes 47, noes 45. This amendment was therefore adopted. The whole address was next read over.

Mr. Giles then proposed an amendment, after the words "combinations of men," by adding, "in the four western counties of Pennsylvania."

Mr. Hartley said that the gentleman should have added, *and a county in Virginia*. This amendment of Mr. Giles was rejected. The committee rose, and the chairman reported progress. The House were on the point of adjourning, when the Speaker reminded them of a message on the table from the President, which had been received during the last debate. The communication was read; it contained a statement of troops in the American service, and a letter from the Secretary at War, being the same with that sent this day to the Senate. The message and statement were directed to lie on the table. The orders of the day were further postponed, and at a quarter past three o'clock the House adjourned.

WEDNESDAY, the 28th of NOVEMBER, 1794.

The honourable John Henry, from the state of Maryland, and the honourable James Ross, from the state of Pennsylvania, severally appeared this day, and took their seats in the Senate. A message was received from the House of Representatives by Mr. Beckley their clerk, in these words.

“ Mr. PRESIDENT,

“ The House of Representatives have passed a bill, entitled, “ An act extending the privilege of franking to James White, the delegate from the territory of the United States South of the river Ohio ; and making provision for his compensation,” in which they desire the concurrence of the Senate. The House of Representatives have on their part, elected the Rev. Ashbel Green a Chaplain to Congress, for the present session.”

The bill in favour of Mr. White, was read a first time, and ordered to pass to the second reading. The papers communicated from the President of the United States, by a message of the 20th instant, were read, and ordered to lie for consideration. The Senate then adjourned till eleven o'clock tomorrow forenoon.

In the House of Representatives, this day, the bill granting the privilege of franking and providing compensation to James White, delegate from the South-western Territory, was read the third time and passed. The clerk of the House was then directed to carry it to the Senate for their concurrence.

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A petition of Samuel Miller, of the county of West-Chester, in the state of New-York, was presented to the House and read. He prayed to be placed on the list of pensioners, in consideration of a wound received in the army of the United States, during the late war. The petition was referred to the Secretary at War, to examine and report his opinion thereupon, to the House.

The Speaker laid before the House, a letter signed Oliver Wolcott, jun. on behalf of the Secretary of the Treasury, accompanied with estimates of the sums necessary to be appropriated for the service of the year 1795; also, statements of the application of certain sums of money granted by law; which were read, and ordered to be committed to a committee of the whole House, to morrow.

A motion was made and seconded, that the House do come to the following resolution;

*“ Resolved, That a committee be appointed to bring in a bill to increase the pay, and regulate the other allowances hereafter to be given to non-commissioned officers, musicians and privates of the troops on the military establishment of the United States, and of the militia, when called into actual service, and to ascertain the time when the pay of the militia shall in future commence; and to make farther and more ample provision for the pay of the militia on the present expedition to Fort Pitt.”*

*Ordered,* That the said motion be referred to the committee appointed to prepare and report a plan for the better organizing, arming and disciplining the militia of the United States.

The House, according to the order of the day, resolved itself into a committee of the whole House, Mr. Cobb in the chair, on the bill to authorize the President to call out and station a corps of militia in the four western counties of Pennsylvania, for a li-

mitted time ; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Cobb reported, that the committee, according to order, had taken the said bill under consideration, and made several amendments thereto. They were twice read over, and agreed to, and the bill was ordered to be engrossed for a third reading to-morrow.

The House then went into consideration of the amendments made by the committee of the whole, on the address to the President, in answer to his speech.

The Speaker read that amendment, by which the words *self-created societies* and had been yesterday expunged, after a long debate, and upon the motion of Mr. Giles, from an amendment of Mr. Fitzsimons.

A pause of a few minutes ensued. At last Mr. Dayton rose, and said that if nobody else would make the motion he should make it, for replacing the words *self-created societies* and in the amendment to the address.

Mr. Rutherford declared that he would oppose *these words* to the last. If the democratic societies spoke nonsense, people would despise them. If they spoke otherwise, the people would esteem them, in defiance of any vote of censure of that House. The people do not look on them with a great deal of reverence, but still they wish to hear them. By the turn which the debate has now taken, if any man is in favour of these societies, *the President is drawn across his face*. All the jealousies with regard to the attachment of the people, are mere nonsense. In the district which Mr. Rutherford represented, there was not a single democratic society. But these societies contain many valuable and excellent characters. It answers no purpose then to pass votes of this kind. Perhaps democratic societies have sometimes



times done wrong, but this was not a proper foundation for condemning them in whole. Every government under heaven hath a tendency to degenerate into tyranny. Let the people, then speak out. *Why not let them speak out?* What occasion is there for all this alarm among the stockholders? A man falls from his horse, and, while stunned by the blow, he says to his neighbour, *Is not the universe fallen?* Just so the paper holders have got a small alarm about their stock on account of this war, and in their fright imagine that the continent is ready for an insurrection. He repeatedly observed, in the course of his remarks, that the country was in a state of the greatest prosperity and tranquility, if gentlemen would not rouse the people with the present idle motion from which he boded no good consequence. He repeatedly affirmed that *all was well*.

Mr. Dayton enquired whether all could be *well*, when it had been requisite to raise an army of fifteen thousand men to quell a rebellion? Was it a mark of that universal tranquility and satisfaction of which the gentleman spoke that an hundred and fifty men were now prisoners, and about to be tried for high treason? Could all be well in a country from whence large bodies of men had lately fled in a state of rebellion? He understood that the democratic societies had been given up by all the members, as at any rate contemptible and useless, if not pernicious. He was concerned to hear a person (Mr. Rutherford) with one foot in the grave, make an assertion so evidently untrue.

Mr. Giles commenced his remarks by observing, that upon the first introduction of this subject, he used every means in his power to avoid a discussion; that he then mentioned several important considerations as sources of regret, that the question should be pressed into discussion; amongst these, that the utility

utility of reconciliation and unanimity in the House of Representatives in the present agitated state of things, was extremely obvious; that such a circumstance would give satisfaction, he believed, to our constituents in all parts of the United States; that it would be the more grateful to them as well as to this House, by a recollection of past incidents, and, that the discussion of this subject would probably interrupt the harmony which had hitherto characterised our proceedings since the commencement of the present session. He now regretted that the course of the debate had realized every anticipation of its effects. It had become evident that conciliation, however desirable, could not be obtained. Upon this occasion Mr. Giles felt his situation extremely delicate, and he thought that there had hardly been that latitude of debate allowed, which grew out of the subject. On the one hand he was assailed by the popularity and influence of the President; and on the other, by the unpopularity of Democratic societies. The momentary agitation of the public mind has also been made subservient to the same end; so that he was reduced to one of these alternatives; either of resisting the joint influence of all these impressions, or of abandoning every obligation to his own judgment and opinion. The latter alternative was too dear a purchase for the conciliation he so much desired; particularly when it is connected with the magnitude and importance of the subject in question. He had endeavoured to shew that the President really never wanted or wished for any echo of this nature, and he was still convinced that such was the fact. Mr. Giles had done every thing in his power to obtain the best information. He had listened attentively to all sides, and if conviction had come home to his mind, he would have announced the alteration of his sentiments. There was one circumstance

cumstance in particular which persuaded him that the arguments employed on the opposite side were erroneous, which was that gentlemen, who on other topics had been clear, acute and logical, could not, on this subject bring themselves to any definite construction. Their arguments demonstrated that they differed extremely among themselves both as to the object and extent of their proposition. Instead of producing conviction in his mind, they had strengthened and confirmed his original impressions. At the same time, after hearing so many eloquent harangues for two days past, he could not suspect the gentlemen for any want of natural ingenuity. One member (Mr. Murray) had inveighed against all societies, but when pushed hard, he excepted the republican society of Baltimore. A gentleman from Massachusetts had included them *all* in one general sweep of reprobation. He had declared, that *his* object was to hold up the democratic societies to public odium, to render them contemptible, and thus to restrain or suppress that method of expressing public opinions. Here Mr. Dexter rose, and enquired if Mr. Giles meant him. He received for answer that *he* was not meant. Mr. Sedgwick was the gentleman referred to; and this member explained that *all* the societies of this sort which he ever heard of had done mischief; and as to the Baltimore republican society, he learned yesterday for the first time, that such a body had an existence. Farther about them, he could not say. After this interruption Mr. Giles reverted to an examination of what had fallen from Mr. Murray. That gentleman had declared that he would DRESS THE PRESS. Here Mr. Murray stopped Mr. Giles by denying that he ever said any such thing. Mr. Giles declared that he was sorry if he had misquoted him. He should be happy to be interrupted by any member whom he might happen to misquote.

misquote. He was glad to be set right. Mr. Murray then repeated the words which he had used, or rather part of them. Mr. Murray said that he was sorry for having expressed himself in such a way as to be liable to be misinterpreted, but sometimes it was difficult to avoid an ambiguity, or incompleteness of expression. The whole sentence as pronounced by Mr. Murray, stands as follows. "The rights of the press ought not to be freely handled. The probe that would reach the bottom of the sore, might give a spasm to the finest nerve in the organs of freedom. We may point out the sore to our constituents, and though it might be empiricism to cut it out, we may give it an emollient dressing, and trust to the soundness of the national constitution, and the regimen of reflection for the cure." We have here inserted this passage of Mr. Murray's speech of yesterday, in justice to that gentleman, because it seemed that he himself could not distinctly recollect it; and on this passage it was that Mr. Giles founded his affirmation that Mr. Murray wanted to *dress the press*.

From this digression we return to the speech of Mr. Giles. Mr. Sedgwick had declared that he, for his part, wanted to make the societies *odious*. Mr. Hillhouse again, another advocate for the amendment, had denied that any indiscriminate censure was intended by the amendment, but that the whole was no more than a polite answer to the President. "*I said no such thing*" said Mr. Hillhouse, rising up. This member then repeated the latter part of his speech, in substance exactly as it is inserted in our account of the debate of yesterday. But he entirely *omitted* the concluding sentence, which is in these words. "He did not consider the present amendment as an indiscriminate censure levelled at these societies; he thought it only a suitable answer

to the speech of the President." In this way, the gentleman had been understood both by Mr. Giles, and by the reporter of that debate\*. Mr. Giles said that there was an obvious difference of opinion as to the *extent* of the proposition. He had laid it down as a rule the other day, that censure or any other punishment ought to be definite both as to its *cause* and *object*. It was a bad rule to *censure in the gross*, and *exempt in the detail*. The gentleman from Maryland in his *remarks*, exempts the republican society of Baltimore, but in his *vote* involves it in indiscriminate censure; he seemed to be engaged in the strange office of embracing that society affectionately with *one* arm, whilst he was inflicting the most cruel stripes with the other. Mr. Giles took this general review of the remarks made in favour of the proposition, to shew that there was no one clear, luminous principle upon which it could be justified; or if there was, that different gentlemen viewed it through very different optics. The result of these observations upon his mind was, that there was no definite principle of justification for the proposition, or the good sense and ingenuity of gentlemen in their zeal for its adoption would have exposed it to the House. Mr. Giles said that having taken this summary view of the substantial part of the arguments in favour of the proposition, he should now state his objections to it, which he hoped would be more definite than the arguments in support of it. He feared that this proposition would lay the foundation of a *system of denunciation*; the effects of which he

\* These interruptions shew the frequent difficulty of understanding exactly the meaning of a member, and must form an apology for some errors when they are to be found, in these sketches. Last session, Mr. Madison, in replying to Mr. S. Smith, was interrupted five times, for alleged misquoting. In the end, he gave up the attempt to reply.

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extremely deprecated. As far as he understood the doctrine of denunciation, it essentially consisted in holding up to public odium, and sometimes to public vengeance, either individuals or certain descriptions of individuals. This was the essence of the proposition before the House. It seems to be a literal copy of the commencement and course of denunciation lately practised in France. Its first commencement in France was upon *certain self-created societies*, and individuals out of the Convention; and after producing the most sanguinary scenes without the limits, it at length found its way into the bosom of the Convention itself. No man's mind, however perspicuous, could anticipate all the effects which *might* result from this system, and he thought that gentlemen *themselves* ought to have had the most positive exemption from its common fatality, before they ventured upon its introduction. It is reported that Monsieur Guillotine has become *immortalized* by the instrument of his own humane invention, and Robespierre, the great progenitor of denunciation, has himself been denounced. Reasoning from similar causes, to similar effects, what may be expected to arise from such a system in this country? If the next should be a democratic representation, it may denounce the aristocrats; it may denounce the bank; it may denounce the funding system. It is worthy of remark, that gentlemen who have been most vociferous in reprobating this course of conduct in France, have been the first proposers of it in the United States; for he could see no difference in the two cases, except that in France the democrats denounced the aristocrats; whereas in the United States the *anti-democrats* were denouncing the democrats. But he believed the effects in either case would be the same, and are to be equally deprecated. Mr. Giles employed, he  
said

said, the word anti-democrats, because he believed that the term of aristocrats would not be accommodated to the feelings of gentlemen. Mr. Giles said, that from one side of the House we had often heard disorganization, intemperance, heat, rashness, &c. applied to the other; but the two preceding days would have presented to an impartial bystander, a curious contrast between the *represented* and the *real state* of things. From the ruffled declamation which has been displayed, he would probably have conceived that a deputation from the National Convention of the first rate denunciators, had visited the American Congress, and were engaged in the full exercise of their functions, or, as gentlemen may like the comparison better, that Demosthenes and Cicero had re-visited the earth, and were proclaiming the old rules of eloquence, *Actio! Actio!* as the highest test of truth. (Here Mr. Giles looked at Mr. Sedgwick.) These ravings might affect timid minds; but they did not produce the species of conviction, which was required by the deliberate, philosophical, American politician. Mr. Giles could not help observing, that the extraordinary zeal and agitation manifested by the favourers of the proposition convinced him, that it originated more from personal irritation, than from the cool, deliberate exercise of judgment. He said that this subject had presented itself to his mind in another point of view. He observed that he considered censure as a punishment. To a delicate mind it is the severest sort of punishment, and in the military and clerical codes, it is the most frequent kind. It is admitted on all sides of the House to be intended as a punishment. If this be the case it is one inflicted under the following very extraordinary circumstances. It is inflicted for the commission of an act admitted to be legal in itself. It is arbitrarily created *after* the commission

commission of the act for which it is inflicted. It is inflicted without counsel, without evidence, without trial ; it operates on the innocent as well as the guilty. Are not all these the highest *characteristics of injustice* in the *administration of justice*? Its oppression and absurdity do not stop here. It condemns the same individuals as members of *self-created societies*, who are applauded in this very address, as *soldiers of the constitution* ; or in other words it condemns their faculties of thinking and expressing their thoughts, and applauds their faculties of bearing arms in defence of the constitution and laws. It condemns their hearts, their heads, and their tongues, and applauds their legs, their arms, and their bodies. It is admitted by all that a number of the individuals both of the Republican Society of Baltimore, and the Democratic Society of Philadelphia, were amongst the first to fly to the standard of the laws upon the late necessary summons ; and that, they were the most steady friends of the United States, upon a more trying occasion ; *the late glorious revolution*. Upon these individuals will not the censure contained in the proposition operate as has been stated? If it will, what apology can this House make for the injury and injustice done to the feelings of individuals thus characterized? He could easily see their claims to an apology, but he believed ingenuity itself could not devise a competent one. To put the injustice in a more glaring point of view, he begged to be permitted to personify a character of this description, challenging the cruelty and injustice of the censure : I am the child of the United States : I have braved the toils and perils of the most glorious and hazardous revolution : I have demeaned myself according to the rules of conduct marked out by yourselves. *I appeal to the law to attest my innocence ; you admit the justice of that appeal : I have*



at all times spoken my sentiments and asserted the rights of a freeman ; *I have used the invaluable privilege of the press*, and thus proclaimed my *real* opinion to my fellow citizens ; I may have been mistaken ; I have flown to the standard of the laws upon the summons of my country ; wherefore am I censured ; wherefore am I punished ? He hoped that some gentleman, who advised the proposition, would propose an apology for its effects. 'This case, he was sure, *demande*d an apology.

Mr. Giles proceeded to remark, that the proposition seemed to him objectionable in another point of view ; he thought it would be deemed an insult upon the public mind. It was assuming the office of judging exclusively, upon the tendency of *measures* and *opinions*. 'This he considered as an encroachment upon the rights reserved to the people. He said, that in the distribution of rights between the rulers and ruled, certain rights were granted, and certain rights retained. He thought the censorial power one of the most invaluable of the reserved rights, and it ought not to be invaded, upon any pretence whatever. If the government should wrest from the people the right of censuring its proceedings, under the particular modification of self-created societies, he could not see any barrier sufficiently strong and delicate, to afford complete protection to any other modification of expressing censurable opinions against the proceedings of government. The principle, if pursued, would invade the rights of electors in choosing their representatives. 'The elections will generally turn upon the merit or demerit of the former representative. This will be tested by the *good* or the *bad* measures, to which, *in the opinion of his constituents*, he may have given his assent : of course the measures of government must come into discussion ; and the people have as much right to censure as

to applaud ; or, in other words, they have a right to exercise their opinions under any modification they may think proper, provided such exercise be conformable to the laws. Gentlemen have said, that in despotic governments, self-created societies are essentially necessary, but in a government organized like that of the United States, they are not so. He would not deny the truth of this remark, but would ask, who are to judge of this necessity ? The government, or the people ? If the government are to judge of the necessity, the right of the people is essentially annihilated. Admitting a government to be corrupt, is there any probability of its notifying the people of its own corruption ? Will there ever be a time when its administrators will say to the people, “ now we are corrupt, now is your time for forming yourselves into societies, to protect your own liberties against our encroachments ? ” On the other hand, the more corrupt a government is, the greater will be the stimulus to concealment. Mr. Giles said, the true basis of the censorial power was the discretion of the people, and he believed, in the United States, there was no danger from its exercise. Gentlemen have said, that democratic societies are unpopular, that they are viewed with contempt by the people : admit the fact, and whence the necessity or propriety of the interference of the House of Representatives. The public mind seems to be engaged in its office of making a judicious decision, upon the necessity of such institutions, in the present state of things ; why then tamper with its course of proceedings ? Mr. Giles said the constitution of the United States had marked out our duties ; they consisted essentially in legislation. There was in the House of Representatives a depositum of censorial power. This, however, was confined to the agents or officers of government, and the remedy of the  
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House consisted in impeachment; but he believed there was no authority given in the constitution of exercising the censorial power over our constituents, or any description of them. He said he thought it degrading the majesty of the people, that the representative body should for a moment abandon the exercise of its great legislative functions, and enter into a system of crimination and recrimination, with any self-created societies whatever. He said, if the House provoked recrimination, they would manifest their impotency, by their acknowledged incompetency to legislate upon the subject; but Mr. Giles said, that the transition from a *power to censure*, to a *power to legislate*, was extremely easy, and he cautioned gentlemen from giving into the one principle, under the idea, that the other would never be called into action. He believed himself if Congress undertook to censure, they would undertake to legislate. With respect to the right of censuring, gentlemen had remarked, that as individuals we possessed that right, and of course as a collective body. Mr. Giles said that this was abandoning the doctrine of possessing the right in our organized or constituted capacity, and was self-creating ourselves into a society *quo ad* this particular purpose; under the influence of this doctrine, we should be as much a self-created society *quo ad* this particular purpose, as any democratic society in the United States, for the purposes of its institution; but we are not called upon to act in our individual capacities, we are called upon to act in our organized capacity. He hoped the doctrine of self-creating ourselves into a society, and *avoiding* the exercise of our constituted functions, would not be approved by a majority of the House. Gentlemen have asked, if democratic societies be permitted to censure the proceedings of government, without a correspondent censure from the government, how

will government protect itself? To this interrogatory the answer is easy. If these societies act *illegally*, the individuals composing them are punishable by *law*. The assumption of a corporate name, will not exculpate the individual offence. If they do not act *illegally*, or in other words, if they only exercise a *right*, which is *protected by the law*, they ought not to be punished. But this is not the only protection. In this, as in every other assault, the protection of the government must rest upon the discretion of the public mind. That is the only just and solid foundation and support of every government. Make wholesome laws, and the public mind will afford a protection, against all the democratic societies upon earth. Mr. Giles said he had now arrived at a part of the subject, which appeared to him extremely interesting. It respected the particular *subject matter* or *cause* of the censure proposed to be pronounced. It proposed to censure or punish for the *tendency of opinions, pronounced through the medium of the press*. It should be observed, that under this principle, good opinions may be as much subject to censure, as bad opinions; since good opinions may be wrongly applied, or in other words, *may have a bad tendency*. Opinion, whether founded in *truth* or in *error*, is a *property* which every individual possesses, and which, in this country, he is at liberty to address to the public, through the medium of the press. Any interference with the exercise of this right, he thought must terminate in the complete destruction of the liberty of the press. If the principle be once established, he saw no competent barrier of protection. This reflection, he said, manifested the peculiar delicacy of the proposition, and the hazard of *interfering with the exercise and expression of opinion, under any modification whatever*. Mr. Giles said the *rights* of thinking and speaking were too well understood, and too highly valued, in  
without

the United States, to receive the slightest wound, without exciting the public attention. *Opinion is elastic*; it will furnish a resistance equal to the pressure it may receive. *Opinion is sympathetic*; it interests on its side every individual who values its exercise. To avoid this hazard, *the unpopularity* of democratic societies has been relied upon. It should not be forgotten, that in the United States the *rights* of every man and every society are popular. *The rights of opinion, or of thinking, and speaking, and publishing, are sacred*. It is a bold experiment, to attack a *right* because the *possessor* is unpopular. The restraint or suppression of opinion, under one modification, will equally apply to all others. The *principle* proposed to be established in this case, will equally expose every individual, and every society to *censure* or *punishment*, for the exercise and expression of opinion. They will therefore sympathize with the *injured right*, in this case, though they may despise the possessor of it. This sympathy will be strengthened by the strongest of all motives, *the motive of self-defence*. Mr. Giles requested gentlemen to look at the obvious consequences of what they were doing. It had been said, [looking at Mr. Sedgwick,] that this vote of censure would *sink* the societies. They were tumbling into dust and contempt. Why, in the newspapers of this very morning, a meeting was advertised for to-morrow night. *This was the natural progress of things*. Here Mr. Giles explained the apparent prospect that the newspapers will presently be suffocated with columns of votes, resolutions, and epistolary lumber of all sorts. [This was the exact meaning of two or three sentences delivered by the member.] Mr. Giles then stated an important distinction. Many people, who condemn the proceedings of the democratic societies, yet will not chuse to see them divested of the unalienable privilege of thinking, of speaking, of

writing, and of printing. Persons may condemn the abuse in exercising a right, and yet feel the strongest sympathy *with the right itself*. Can it be presumed, that a nation, which has toasted Muir, Palmer, and Margarot, from the one end to the other, merely because they have fallen the victims of opinion, *under the semblance* of judicial decisions, will not sympathise with that *injured right* in this country, which is proposed to be attacked, not only *without a judicial decision, but with an admission of its strict legality*? Mr. Giles said that the distinction between the *sacredness of the right*, and the *unpopularity of its possessor*, was too obvious not to strike the public mind in a moment; and he thought it extremely unwise to lay the foundation of just alarm to the people, in the present agitated state of things. There was another view of the proposition, which furnished a strong objection to it. No evidence appeared of the fact contained in it. There was but one official paper concerning the question before the House. That was the report of the Secretary of the Treasury to the President of the United States. That paper dates the resistance of the law at the moment of its passing. This was at a period anterior to the existence of democratic societies in the United States. The reason why that resistance did not break out into insurrection, at the same moment, seems to have been the forbearance of the government to press the execution of the law. Even before the passage of the excise law, by the United States, it is known that the same people resisted, and successfully, the execution of a similar law, passed by the state of Pennsylvania. It is known, that the prejudices of the people, against excise systems, were made an argument against the passing of the act, and an eventual opposition to its execution then was predicted: the insurrection is a verification of that prediction. Mr. Giles believed that

that there would have been an open resistance to the excise law, in that part of the United States, though there had not been a democratic society in existence. Although he was averse from the extension of the excise system, it is known that he had always considered the *subject* of the existing excise, as a sufficient ground of exemption from the general rule; that he should have voted for the act, if it had been limited to a certain duration, which he deemed an essential quality in all tax-laws. That it was the *perpetuity of the act*, and *not the tax itself*, which formed his objection. Of course, even his former opinions could receive no gratification from the resistance it had received in its execution: but the remarks he had made, he considered as an obligation to truth. Mr. Giles said, that the democratic societies had denounced the insurrection, and as a testimony of their earnestness in the act, many of the members, if he were rightly informed, had actually marched to suppress it. The people in the four western counties of Pennsylvania, have been represented as more unenlightened, than in any other part of the United States. He believed this to be the case, and he should infer from that circumstance, that they would be the last to be operated upon by the tendency of opinions, pronounced through the medium of the press. It is not abstract opinions, whether true or false, which give rise to insurrection. It must be something which touches the interests of individuals. Ignorant men particularly, are the most careless of the truth or falsehood of abstract opinions, but they are the most apt to obey their feelings without regarding the consequences. Hence he was inclined to think that the open resistance of the excise law, arose from nothing more or less, than a demand it contained for contribution which they were unwilling to pay. Mr. Giles said he had heretofore

avoided entering fully into the discussion of this part of the subject, from a regard to the existing state of things; but he should now remark, that he believed that the funding system was the real source of all the discontents in the United States. It has divided the community into two great descriptions of persons, *possessing different interests; the debtor and creditor.* It contains a quality tending to perpetuate *the debt*, upon the *debtor*, and was viewed by some as a necessary machine of government. This he thought oppressive and unjust; and he believed it was this system which gave rise to democratic societies, and furnished the food upon which they subsisted. He said he believed that this was the *real sore* upon the body politic, and it was no wonder the patient should wince, when the physician was probing. Mr. Giles said the remedy which he would propose for this evil, was to pay the debt honestly, and as speedily as possible, and it would destroy the very subsistence of democratic societies. He declared he would give his vote for any means to effect that end. Mr. Giles said that the President strongly inculcated this measure, and he believed it was a more substantial remedy against the danger of democratic societies, than any crimination whatever. It had yesterday been alleged, as the very worst trait in the character of democratic societies, that they began their business *after dinner*, bolted their doors, and voted in the dark. This was a very alarming and detestable species of conduct. Whether the accusation was true or not, Mr. Giles could not tell, from personal knowledge, for he knew nothing about these societies, unless by report. "But, Mr. Chairman," said he, pointing to the roof of the room, "*Is there no other place where people bolt their doors, and vote in the dark?* Is there not a branch of the Legislature which transacts its business in this way? and, while things are so, does it be-  
come



come us to censure other people for *voting in the dark?*" He thought it extremely strange, that the gentlemen who applauded *this conduct* in one body of men, should vociferously condemn *the same conduct* in another. A little impartiality, he thought, would rectify this distinction. But, admitting that the democratic societies had abused their rights and privileges, it could furnish no argument against the use of them. There was hardly an enjoyment in life, which was not abused; but it would be a distressing thing, to be deprived of the use of many of them. Mr. Giles said, he had upon this, as upon other occasions, delivered his sentiments with candor. That he was sensible he had been calumniated for observing a similar conduct before, but he should persevere in that conduct which his judgment taught him to be right, and should disdain to condescend to any further explanation. Mr. Giles said, that upon this question, he admitted he might be mistaken, although he thought it exhibited the most striking and palpable features; but, if he should be mistaken, these were his consolations. He doubted whether the President required an echo of this sentiment, in the latitude required by the proposition; for, in speaking of self-created societies, in the first of his speech, he seems to confine them to the four western counties of Pennsylvania. In the latter part of the speech, when he speaks more generally, his address is *to every description of citizens*. He begged gentlemen to turn to that part of the speech, to test the correctness of the remark. But if he were so unfortunate as to differ from the President in opinion upon this question, he had a source of consolation in his liberality. The President himself will admit, that there is no incompatibility between the highest veneration for his character, and affectionate regard for his person, and a difference from him in a matter of political opinion.

opinion. He said he should be consoled with the reflection, that he had stepped forth against the first effort to restrain or abridge *the liberty of the press under any modifications whatever*; that if he should have misconceived the tendency of the proposition in abridging the exercise of opinion, he should still reflect that it is dressed in an uniform so much *like the enemy of opinion*, that his optics could not discriminate the one from the other. He should console himself with the idea, that from commencing and progressing in this course of denunciation, great mischiefs *may* arise; but when the utility of the impotent proposition is called for, ingenuity itself vanishes in the attempt to show it. Mr. Giles concluded by declaring, that if he had upon the present occasion, overstepped the bounds of his habitual calmness, he was sorry for it and wished to apologize to the committee; but that his warmth arose from his profound astonishment at the imprudence of agitating the present amendment. Whatever might be the style of his delivery, he had not uttered a single idea which was not produced by deliberate reflection and by honest conviction.

Mr. Boudinot thought that speakers had wandered from their proper line of argument. If any bystander had come into the House to hear the debates of this day, without a previous knowledge of the point in dispute, it would have been impossible for him even to conjecture what question was before the committee. It had been said that we ought not to censure where we cannot punish. By the same rule we ought not to approve where we cannot reward. It was urged that if Democratic Societies are unlawful, we ought to punish them, but if otherwise we ought to let them alone. Mr. Boudinot denied this axiom. Many things were extremely deserving of censure which it was impossible to punish. He stated,

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as a point in law, that if a person were to call him a *rascal* and a *villain*, an action would not lye, unless he could specify an injury suffered by this assertion. He employed as an argument against the whole opposition to the original amendment, that no societies were included in this censure but such as were guilty. Self-created societies had done such and such a thing; but the President neither said nor intended to say, nor was it possible to misinterpret his words into an intention of saying, that *all* self-created societies had been partners in exciting the western insurrection. The amendment therefore included nothing like an indiscriminate censure, for it was levelled only at the guilty. Hence the whole reasoning of the gentlemen, on the opposite side of the question was entirely out of place. Gentlemen proceeded upon an utter misapplication. It was asked what good would follow from this vote of censure! Mr. Boudinot foresaw substantial advantages. It would operate as a warning both to the societies themselves, and to other citizens of the United States. Mr. Boudinot strongly pressed the impropriety of dissenting from the President.

Mr. Scott and Mr. Ames were both up at the same time. The latter gentleman immediately sat down again. Mr. Scott began by observing that he had lived for twenty-five years in the very midst of the place (Washington county), where the insurrection broke out. He knew that there were self-created societies in that part of the country, and he likewise knew that they had inflamed the insurrection; for some of the leaders of those societies had likewise been leaders of the riots. The speech of the President, and the letter from the Secretary of the Treasury, were in every particular *strictly* true. Mr. Scott himself, who was in the midst of the whole scene, could not have given a more candid

did and accurate account of it than that of the President and Mr. Hamilton. Whether other democratical societies, besides those in the four western countries, had assisted in kindling the disturbances, Mr. Scott could not say. *Their publications we have all seen.* Farther Mr. Scott knew nothing, and thus far every member knew as much as himself. Before he sat down, there was one point which he anxiously pressed upon the House; and this was, that these deluded people were objects of real pity. They were in the first place grossly ignorant, and they had been persuaded, by an utmost diligence of sedition, that the American government was, even in theory, the very worst in the world, and next, that in practice it was executed much worse than any other government under the sun. Mr. Scott observed that when people had got this length in absurdity, it was not difficult to make them fight against such a government.

Mr. Ames began with expressing his pleasure that he had sat down, to give way for Mr. Scott to speak; but this every one must see was attended with a personal sacrifice; as it was manifestly a disadvantage to bring forward his observations immediately after those of that gentleman, because they were too remarkable for their pertinence and strength to encourage the attempts of their opponents to invalidate, or his own to enforce them. He requested Mr. Giles, and he urged it strongly on the House, to consider maturely how large a part of the argument he had to answer. Mr. Giles had been occupied in refuting what nobody had asserted, and in proving what nobody had denied. It would appear to every person, at a glance, that, after so large a deduction should be made, the advocate of the amendment would be left almost without an adversary. He observed, it would be amusing, and not without its  
uses,

uses, to turn a moment from the debate, to enquire what would be said of yesterday's decision. Fame already bears it on all her wings, and proclaims it with all her tongues, that Congress has been engaged in trying the democratic clubs; and curiosity stands a tiptoe on all our post roads for the answer, which is already gone forth. Forty-seven members were for the clubs, and forty-five against them, so that the clubs gained the victory. Is this true? "I dare appeal," said Mr. Ames, to you, Sir, and "to every other patriotic bosom, that it is *not true*; "a large majority, and I may even say, with pride "and pleasure, almost *all* the members who hear "me, despise and abominate the clubs as sincerely "as the words of the President's speech, the answer "of the Senate, his reply to them, or the amendment now before us can imply it." How happens it, that the real sentiments of the House are so much misrepresented by the vote? I shall be pardoned if I undertake to explain this enigma. Two reasons have been suggested in private conversation, as well as in debate, which will account for the vote of yesterday, and which, on being stated and re-examined, will afford good cause for changing it to day. The first is, that we have nothing to do with the clubs. We hold them in too much contempt to have any thing to say to them, or about them. They are not worth notice. This contempt had the appearance yesterday of countenance and patronage. The other motive suggested is, if the words *self-created societies* should be struck out, the amendment will still contain the substance of the proposition contended for; which is to reprobate the *combinations* of men against law. This description will include the clubs, as well as any other wicked combinations that have had any agency in the insurrection. How far the one or the other of these motives ought to influence those

those who have entertained them to vote against the amendment for inserting the words *self-created societies and*, will appear by a survey of the true posture of the question.

Here Mr. Ames stated, that it was the duty of the President, by the constitution, to inform Congress of the state of the Union; that he had accordingly in his speech stated the insurrection and the cause that he thought, had brought it on. Among these, he explicitly reckons the self-created societies and combinations of men to be one. The Senate as plainly charge *that* as one of the causes. The President, in his reply to the Senate, expresses his high satisfaction that they concur with him in opinion. Mr. Ames then read the passages in the speech, address, and answer to the address. He said further that an amendment was now offered to the House, expressed, as nearly as may be, in the very words of the President; an objection is urged against this amendment that the proposition contained in it is not true in fact. It is also said, that although it were true, it would be dangerous to liberty, to assent to it in our answer to the speech. It is moreover, say they, improper, unnecessary and indecent to mention the self-created societies. The amendment now urged upon the house has been put to vote in the committee of the whole House, and rejected. What will the world say, and that too from the evidence of our own records, if we reject it again in the House? Will it not be proclaimed that we reject the motion and give force and validity to the objections? Do we adopt such objections? Are the committee consenting to the shame of having them charged upon the committee as the principles by which they have guided our decision? We are not, Mr. Ames was sure, we are not, for with a very few exceptions, I wish there were none,  
both

both sides have united in reprobating the self-created societies. Surely then, gentlemen will not hesitate to rescind a vote which is not less *deceptive* than it is *pernicious*? For if we adopt the amendment it will appear that all the branches of the government are agreed in sentiment. If we reject it, what will it proclaim less than imbecility and discord? What will faction interpret it to import short of this. "The President and Senate have denounced the *self-created* societies alluded to in the speech, and this House has stepped forward for their protection." Besides the unspeakable dishonour of this patronage, is it not rekindling the fire-brands of sedition, is it not unchaining the demon of anarchy? Few as the apologies of the clubs have been, the solemnity and perseverance of their appeal to principles demand for it an examination.

The *right* to form political clubs has been urged, as if it had been denied. It is not however, the *right* to meet, it is the *abuse* of the right, *after they have met*, that is charged upon them. Town meetings are authorised by law, yet they may be called for seditious or treasonable purposes. The legal right of the voters in that case would be an aggravation not an excuse for the offence. But if persons meet in a club with an intent to obstruct the laws, their meeting is no longer innocent or legal: it is a crime. The necessity for forming clubs has been alleged with some plausibility in favour of all the states except New England, because town-meetings are little known and not practicable in a thinly settled country. (Mr. Ames here alluded to what had been yesterday said by Mr. Parker). But if people have grievances, are they to be brought to a knowledge of them only by clubs. Clubs may find out more complaints against the laws, than the sufferers themselves had dreamed of. The number of those  
which

which a man will learn from his own and his neighbour's experience will be quite sufficient for every salutary purpose of reform in the laws, or of relief to the citizens. He may petition Congress; his own representative will not fail to enforce, or, at least, to present and explain his memorial. As a juror, he applies the law; as an elector he effectually controuls the legislators. A really aggrieved man will be sure of sympathy, and assistance, within this body, and with the public. The most zealous advocate of clubs may think them useful, but he will not insist on their being indispensibly so. The plea for their usefulness seems to rest on their advantage of meeting for political information. The absurdity of this pretence could be exposed in a variety of views. I shall decline, said Mr. Ames, a detailed consideration of the topic. I would just ask however, whether the most inflamed party men, who usually lead the clubs, are the best organs of authentic information? whether they meet in darkness, whether they hide their names, their numbers, and their doings, whether they shut their doors to *admit* information? A laudable zeal for enquiry needs not shun those who could satisfy it; it needs not blush in the day-light. With open doors and an unlimited freedom of debate, political knowledge might be introduced even among the intruders. But, instead of exposing their *affected* pursuit or information, it will be enough to shew hereafter what they actually spread among the people, whether it is information, or in the words of the President, "jealousies, suspicions and accusations of the government," whether disregarding the truth, they have not fomented the daring outrages against social order and the authority of the laws. (Vide the President's speech.) They have arrogantly pretended sometimes to be *the people*, and sometimes the guardians, the champions of the people. They affect

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affect to feel more zeal for a popular government, and to enforce more respect for republican principles, than the real representatives are admitted to entertain. Let us see whether they are set up *for* the people, or in opposition to them, and their institutions. Will any reflecting person suppose, for a moment, that this great people, so widely extended, so actively employed, could form a common will and make that will law in their individual capacity, and without representation? They could not. Will clubs avail them as a substitute for representation? A few hundred persons only are members of clubs, and if they should act for the others, it would be an usurpation, and the power of the few over the many, in every view, infinitely worse than sedition itself, will represent this government.

To avoid this difficulty shall the whole people be classed into clubs? Shall every six miles square be formed into a club sovereignty? Thus we should guard against the abuse of trust, because we should delegate none, but every man might go and do his business in his own person. We might thus form ten or twenty thousand democracies, as pure and simple as the most disorganizing spirit could sigh for. But what could keep this fair horizon unclouded? What could prevent the whirlwinds and fires of discord, intestine and foreign, from scattering and consuming these fritters and rags of the society, like the dry leaves in autumn. Without respectability, without safety, without tranquility, they would be like so many caves of Eolus, where the imprisoned storms were said to struggle for a vent. If we look at Greece, so famed for letters and more for misery, we shall see that her ferocious liberty made her petty commonwealths wolf dens. That liberty, which poetry represents as a goddess, history describes as a cannibal. Representative government, therefore,

is so far from being a sacrifice of our rights, that it is their security; it is the only practicable mode for a great people to exercise or have any rights. It puts them into full possession of the utmost exercise of them. By clubs will they have something more than all? Will such institutions operate to augment, to secure, or to enforce their rights, or just the contrary? Knowledge and truth will be friendly to such a government, and that in return will be friendly to them. Is it possible for any to be so deluded as to suppose that the over zeal for government, on the part of the supporters of this amendment, would prompt them to desire or attempt the obstruction of the liberty of speech, or the genuine freedom of the press? Impossible! That would be putting out the eyes of the government which we are so jealous to maintain. The abuses of these privileges may embarrass and disturb our present system; but if they were abolished, the government must be changed. No friend therefore of the constitution could harbour the wish to produce the consequences which it is insinuated, are intended to ensue. Mr. Ames resumed the remark that the government rests on the enlightened patriotism of an orderly and moral body of citizens. Let the advocates of monarchy boast that ignorance may be made to sleep in chains; that even corruption and vice may be enlisted as auxiliaries of the public order. It is however a subject of exultation and confidence that such citizens as we represent, so enlightened, so generally virtuous, and uncorrupted, under the present mild republican system, practicably are safe, nay more, it is evidently the only system that is adapted to the American state of society. But such a system combines within itself two indestructible elements of destruction, two enemies with whom it must conflict for ever; whom it may disarm, but can never pacify:

cify, vice and ignorance. Those who do not understand their rights, will despise or confound them with wrongs, and those whose turbulence and licentiousness find restraints in equal laws, will seek gratification by evasions or combinations to over-awe or resist them.

A government that protects, property, and cherishes virtue, will of course have vice and prodigality for its foes, because it will be compelled to abridge their liberty, to prevent their invading the rights of other citizens. The virtuous and the enlightened will cling to a republican government, because it is congenial, no less with their feelings, than their rights. The licentious and the profligate are ever ready for confusion, which might give them every thing, while laws and order deny them every thing. The ambitious and desperate, by combinations, acquire more power and influence than their fellow citizens; the credulous, the ignorant, the rash, and violent, are drawn by artifice, or led by character, to join these confederacies. The more free the government, the more certain they are to grow up; for where there is no liberty at all, this abuse of it will not be seen. Once formed into bodies, they have a spirit of corps, and are propelled into errors and excesses, without shame or reflection. A spirit grows up in their progress, and every disappointment makes them more loose, as to the means, and every success more and more immoderate in the objects of their attempts. Calumny is one of those means. Those whom they cannot punish or controul, they can vilify; they can make suspicion go where their force could not reach, and by rumours and falsehoods, multiply enemies against their enemies. They become formidable, and they retaliate upon the magistrates, those fears which the laws have inspired them with. The execution of the laws is not accomplished without ef-

fort, without hazard. Instead of mildness, of mutual confidence, instead of the laws almost executing themselves, more rigour is demanded in the framing, more force to secure the operation of the laws. The clubs and turbulent combinations exercising the resisting power, it is obvious that government will need more force, and more will then be given to it. Thus it appears, that instead of lightening the weight of authority, it will acquire a new *momentum* from the clubs and combinations formed to resist it. Turbulent men, embodied into hosts, will call for more energy to suppress them, than if the discontented remained unembodied. Disturbances fomented from time to time, may unhappily change the mild principles of the system, and the little finger then may be found heavier than the whole hand of the present government. For if the clubs and the government should both subsist, tranquillity would be out of the question. The continual contest of one organized body against another, would produce the alternate extremes of anarchy and excessive rigor of government. If the clubs prevail, they will be the government, and the more secure for having become so by a victory over the existing authorities. In every aspect of the discussion, the societies formed to control and vilify a republican government, are hateful. They not only of necessity make it more rigorous, but they tend, with a fatal energy, to make it corrupt. By perverting the truth, and spreading jealousy and intrigue throughout the land, they compel the rulers to depend on new supports. The usurping clubs offer to faction within these doors the means of carrying every point without. A corrupt understanding is produced between them. The power of the clubs will prevail even here, and that of the people will proportionably decline. The clubs echo the language of their protectors here ;  
truth,

truth, virtue, and patriotism are no longer principles, but names for electioneering jugglers to deceive with. Calumny will assimilate to itself the objects it falls on. It will persecute the man who does his duty: it will take away the reward of virtue, and bestow praise only upon the tools of faction. By betraying his trust, a man may then expect the support of the powerful combinations opposed to the government. By faithfully adhering to it, he encounters persecution. He finds neither refuge nor consolation with the public, who become at length so corrupted as to think virtue in a public station incredible, because it would be, in their opinion, folly. The indiscriminate jealousy which is diffused from the clubs tends no less to corrupt the suspicious than the suspected. It poisons confidence, which is no less the incitement than the recompence of public services. It lowers the standard of action. These observations, which seem to be founded on theory, unfortunately bear the stamp of experience. History abounds with the proofs. Never was there a wise and free republic, which was exempt from this inveterate malady. We can find a parallel for the brightest worthies of Greece, as well as for their calumniators. In that country, as well as in this, the assassins of character abounded. While slander is credited only by its inventors, it is easy for a man to maintain the serenity of his contempt for both. But when it is adopted by the public, few are hardy enough to despise the public opinion; he that pretends to do so is a hypocrite, and if he really does so, he is a wretch. This precious property is one of the first objects of invasion, and the combinations alluded to are well adapted and actively employed to destroy it. It is a plausible opinion, that if the government is not grossly defective in its form, or corrupt in its administration, animosities

against it will not exist. This corresponds neither with sound sense nor experience. Equal laws are the very grievances of these petty tyrants, who combine together to engross more than equal power and privileges. When power is conferred exclusively upon the worthy, the profligate and ambitious are driven to despair of success, by any methods that the worthy would adopt. The more pure and free the government, the more certainly will the worst men it protects and restrains become its implacable enemies, and such men have ever been the foes of Republics. The outcasts from society, those who singly are shunned because infamy has smitten them with leprosy, men who are scored with worse than plague sores, are the first to combine against it. And such men have the front to preach purity of principles, and reformation. Such men will meet in darkness and perform incantations against liberty; there they will gather to medicate their poisons, to whet their daggers, to utter their blasphemies against liberty, and may proceed again to shout from that gallery, or may collect with cannon at this door, to perpetrate sacrilege here in her very sanctuary. It will be asked, what remedy for this evil? I answer no violent one. The gentle power of opinion, I flatter myself, will prove sufficient among our citizens who have sense, morals, and property. The hypocrisy of the clubs will be unmasked, and the public scorn, without touching their persons or property, will frown them into nothing. Mr. Ames next proceeded to advert more particularly to facts. He made mention of the Jesuits, who were banished for becoming a club against the European governments. He mentioned the Jacobins also, who performed well in pulling down the old government, but because they would continue pulling down the new one, as such clubs ever will, had their hall  
locked

locked up by Legendre. Our committees in 1774 and 1775, were efficient instruments to pull down the British government. Yet although they were friendly to our own, the people laid them aside as soon as they wished to build up instead of pulling down. If our government were to be demolished, clubs would be a powerful means of doing it, and the people may chuse to countenance them at that time. But as they chuse no such thing at present, they will discountenance them. The Cincinnati were personally worthy men, officers of the most deserving army that ever triumphed. Yet, although they were friendly to the government, and possessed the confidence of the citizens by the most brilliant titles, the nature of their institution raised a jealousy and ferment. The state legislatures condemned it, as setting up a government within the government. What then are we to say of clubs? Facts have been rather imprudently called for, and let them be examined. The democratic society of Vermont, state, as one reason for their establishment, the unmerited abuse with which the public papers have so often teemed against the minister of our only ally. This was long after Genet's whole correspondence had been published, and after France had unequivocally disapproved his conduct.

Agreeable to a previous notification, there met at Pittsburg, on the 21st of August, a number of persons, stiling themselves, "A meeting of sundry inhabitants of the Western Counties of Pennsylvania." This meeting entered into resolutions, not less exceptionable than those of its predecessors. The preamble suggests, that a tax on spirituous liquors is unjust in itself, and oppressive upon the poor; that internal taxes upon consumption, must in the end destroy the liberties of the country into which they are introduced; that the law in question, from cer-

tain local circumstances, which are specified, would bring immediate distress and ruin upon the western country; and concludes with the sentiment, that they think it their duty to persist in remonstrances to Congress, and in every other legal measure, that may obstruct the operation of the law. The resolutions then proceed, first to appoint a committee to prepare, and cause to be presented to Congress, an address stating objections to the law, and praying for its repeal. Secondly, to appoint committees of correspondence for Washington, Fayette, and Alleghany, charged to correspond together, and with such committees as should be appointed for the same purpose, in the county of Westmoreland, or with any committees of a similar nature, that might be appointed in other parts of the United States; and also, if found necessary, to call together, either general meetings of the people, in their respective counties, or conferences of the several committees; and, lastly, to declare, that they will in future consider those who hold offices for the collection of the duty, as unworthy of their friendship, that they will have no intercourse, no dealings with them, will withdraw from them every assistance, withhold all the comforts of life which depend upon those duties, that as men and fellow citizens they owe to each other, and will upon all occasions treat them with contempt; earnestly recommending it to the people at large, to follow the same line of conduct towards them. He mentioned the shameful transaction at Lexington in Kentucky, where Mr. Jay was burned in effigy. It was painful, he said, thus to dwell on the dishonor of the country, but it was already published\*.

\* The late appointment of John Jay, as Envoy Extraordinary to the Court of London, brought so strongly to the recollection of the people of this country his former iniquitous attempt to barter away their most valuable right, that they could



The club of Charleston, South Carolina, solicited an adoption of the Jacobin Club at Paris. They also addressed Consul Margourit, who had actually granted commissions to privateers, in defiance of the President's Proclamation of Neutrality.

could not refrain from openly testifying their abhorrence of the man, whose appointment, at this critical period of their affairs, they consider as tragically ominous. Although they had not forgotten, nor even faintly remembered, his former act of treason against them; yet they hoped, from the office he filled, he was in as harmless a situation as he could be placed; and that no effort of power or policy could drag him forward, so long as he held his office, and set him once more to chafing with our rights. With these impressions, a number of respectable citizens of this place and its vicinity, on Saturday last, ordered a likeness of this evil genius of western America to be made, which was soon well executed. At the appointed hour, he was ushered forth from a barber's shop, amidst the shouts of the people, dressed in a courtly manner, and placed erect on the platform of the pillory. In his right hand he held uplifted, a rod of iron; in his left, he held extended, Swift's last speech in Congress, on the subject of British depredation; on one side of which was written

Nemo repente fuit turpissimus. Juv. Sat. iv. 33.

No man e'er reached the heights of vice at first.

And on the other,

—non deficit alter. Virg. ÆN. 6.

A second is not wanting.

About his neck was suspended by a hempen string, Adams's Defence of the American Constitutions; on the cover of which was written,

Scribere jussit aurum. Ov. Ep.—Gold bade me write.

After exhibiting him in this condition for some time, he was ordered to be guillotined, which was soon dexterously executed, and a flame instantly applied to him, which finding its way to a quantity of powder, which was lodged in his body, produced such an explosion, that after it there was scarcely to be found a particle of the *disjecta membra Plenipo*.—*New-York Journal, or Patriotic Register by Greenleaf, August 2, 1794.*

*Extract*

*Extract of the Gazette Nationale, or Moniteur Universel, No. 270.*

### JACOBIN SOCIETY.

*October, 1793.*

COUPE DE LOISE, in the Chair.

The Republican Society of Charleston, in Carolina, one of the United States of America, demand of the Jacobin Club its adoption.

*Hauthier.* "We have spilt our blood for the establishment of American liberty. I think that the Americans ought to do the same for us, before we grant them adoption."

*A Citizen.* "Before engaging them to intermeddle in our way, it is necessary to understand one another, to come to an agreement with them. I do not see then a more efficacious way for the previous re-union, than an adoption of their society."

*Collot de Herbois,* After making some general observations, says, "Nevertheless, we should not neglect the advantages which may arise from this advance. I conclude that we agree to this adoption."

The club of Pinckney district, in Carolina, had voted in favour of war, and against paying taxes, because they were too far from the market. A Virginia club had voted an alteration in the Constitution, in order that an amendment might prevent the President being again eligible. Is proof necessary to those who remember the state of this city last spring? Are the resolves of the clubs of this place and New-York forgotten? Could outrage and audacity be expected to venture further? One condemned the excise as odious and tyrannical; the other, enforcing that sentiment, published its condemnation of Mr. Jay's mission of peace. Did not all of them  
arraign

arraign the whole government, reprobate the whole system of laws, charge the breach of the Constitution upon the President, and unspeakable turpitude on the administration, as well as on this body? Surely Americans, feeling as they ought, for the honor, and peace, and safety of their country, cannot forget these excesses; they cannot remember them in any manner which my reprobation could enforce.

*Extract from the proceedings of a Meeting of Delegates, from the Election Districts of Allegheny County, held at Pittsburg, April 1st. Thomas Morton, in the Chair.*

At this juncture we have France to assist us, who, should we now take a part, will not fail to stand by us, until Canada is independent of Britain, and the instigators of Indian hostilities are removed; and, should we lie by, while France is struggling for her liberties, it cannot be supposed that her republic will embark in a war on our account, after she shall have been victorious. It was for this reason, that though we approved of the conduct of the President, and the Judiciary of the United States, in their endeavors to preserve peace, and an impartial neutrality, until the sense of the nation had been taken on the necessity of retaliation, by actually declaring war, yet, now that the Congress have been convened, and such just grounds exist, we are weary of their tardiness, in coming forward to measures of reprisal. But we have observed, with great pain, that our councils want the integrity or spirit of republicans. This we attribute to the pernicious influence of stock-holders, or their subordinates; and our minds feel this with so much indignancy, that we are almost ready to wish for a state of revolution, and the guillotine of France, for a short space, in order to inflict punishment on  
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the miscreants that enervate and disgrace our government\*.

If the black charges against Congress and the whole government, were true, they ought to fly to arms. They ought to pull down this tower of iniquity, so as not to leave one stone upon another. The deluded western people believed them true, and acted accordingly. The great mass of the discontented, therefore, are to be pitied, for the ignorance and credulity which made them the dupes of the clubs. They thought they were doing God and their country service, by cleansing this Augean stable of its filth. It was not oppression that roused them to arms, as some would insinuate ; for their country flourishes wonderfully. It was an insurrection, raised by the wicked arts of faction. A moment, however, is due to the peculiar falsity of two of the slanders on this body. The fears of simple citizens have been startled with the fable, that there is a monarchy party in this house and the other. Look round Sir, said Mr. Ames, if you please, and decide whether there is one man, who is not principled as a repuplican, who does not think such a form adapted to our people, and our people to it, and who would not shed his blood and spend his last shilling, against the introduction of monarchy? I persuade myself, Sir, there is not even one man here, whom any other member even thinks in his heart, is to be suspected on that head.

The other slander, which has contributed to kindle a civil war, is the *paper nobility* in Congress: that the taxes are voted for the sake, and carried solely by the strength of those who put the proceeds in their pockets. Is there a word of truth in this? On the contrary, there are probably not ten members

\* Gazette of the United States, May 5. 1794.

who have *any* interest in the funds, and that interest is very inconsiderable. Is it probable, therefore, that when the citizens have been led by calumny and lies to despise their government and its ministers, to dread and to hate it, and all concerned in it, that the insurrection is *not* owing to the men and the societies, who have invented or confirmed and diffused these slanders. When the rage of these passions broke out into civil war, are those incendiaries innocent, who inspired that rage, who nourished it from time to time with fresh combustibles, and who at last fanned it into an open flame? The fact is too notorious for any man even to pretend ignorance, that the insurgents were encouraged to take arms, by the delusive hope that the militia would not turn out against them. Had they believed that the citizens were as firm for government, as to their immortal honour they have shewn that they are, would the folly or desperation of the western people have proceeded to arms? They would not. But the self-made societies had published that the rulers were tyrants, usurpers, and plunderers, abhorred by the people, who would soon hurl them down. Let us ask a moment's pause, to reflect what would have been the fate of America, if these parricide clubs had really proceeded in poisoning the public mind, as completely as they attempted to do. The western insurgents would have found armies, not to suppress, but to assist them. This fair edifice of liberty, the palladium of our country, the world's hope, would have crumbled to powder.

Mr. Ames then proceeded to notice some of the observations which had been urged against the motion: He asked, whether in a point that so nearly concerned truth and duty, the committee could conciliate, that is, deny the truth and betray their duty. The proposition stated by the President was true, and had been proved to be so. Shall our  
silence

silence suppress or contradict the dictates of this conviction? It is urged that we have no right to pass this vote; a singular objection, since those who make it are consenting to the adoption of the clause, to which the words *self-created societies* are moved to be added. That clause is as improper, and as unconstitutional a declaration as the amendment. Is it possible that those are serious in this objection, who voted applause to General Wayne and his gallant army! Is this House a court martial to try them, if they had done ill instead of well? Had the State Legislatures no right to pass votes respecting the Cincinnati? Then we have no right to answer the speech at all, as the Constitution is silent on that head. But are gentlemen who profess so much attachment to the people and their rights, disposed to abolish one of the most signal, the character of this House, as the grand inquest of the nation, as those who are not only to impeach those who perpetrate offence, but to watch and give the alarm for the prevention of such attempts. We are asked, with some pathos, will you punish clubs with your censure, unheard, untried, confounding the innocent with the guilty? Censure is not punishment unless it is merited; for we merely allude to *certain* self-created societies, which have disregarded the truth, and fomented the outrages against the laws. Those which have been innocent, will remain uncensured. It is said, worthy men belong to those clubs. They may be as men not wanting in merit, but when they join societies which are employed to foment outrages against the laws, they are no longer innocent. They become bad citizens. If innocence happens to stray into such company, it is lost. The men really good will quit such connections; and it is a fact, that the most respected of those who were said to belong to them, have long ago renounced them. Honest credulous

credulous men may be drawn in to favour very bad designs, but so far as they do it, they deserve the reproach which this vote contains, that of being unworthy citizens. If the worst men in society have led the most credulous and inconsiderate astray, the latter will undoubtedly come to reflection the sooner for an appeal to their sense of duty. This appeal is made in terms which truth justifies, and which apply only to those who have been criminal. It is said that this vote will raise up the clubs into importance. One member has even solemnly warned us against the awakening of their resentments. It is not clear to my understanding, said Mr. Ames, how all the consequences which have been predicted from this vote will be accomplished. This is a breach of right, a crushing of those free societies by our censure. It is putting them down, and yet we are warned that it is raising them up, and making them stronger than this government. The friends of the motion are said not to agree in the principle of their defence of it; and therefore it is boldly affirmed that they have no principle. Is there any difficulty in retorting this invective? If this vote will call the attention of the people of America to the subject, so much the better. The truth will, no doubt, be sought and found at last, and with such an enlightened public, I expect the result will be made with its usual good sense; that the self-created societies described in the clause are calculated to destroy a free government; that they will certainly destroy its tranquillity and harmony, and greatly corrupt the integrity of the rulers, and the morals of the people.

In the course of his remarks, Mr. Ames strongly insisted that the vote was not indefinite in its terms. Societies were not reprobated because they were self-made, nor because they were political societies.

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Every body as readily admitted that they might be innocent, as that they have been generally imprudent. It is such societies as have been regardless of the truth, and have fomented the outrages against the law, &c. Nor is the intention of this amendment to flatter the President, as it has been intimated. He surely has little need of our praise on any personal account. This late signal act of duty is already with his grateful country, with faithful history: nor is it in our power, or in those of any offended self-created societies, to impair that tribute which will be offered to him. As little ground is there for saying that it is intended to stifle the freedom of speech and of the press, since the very persons who charge this, tell us, that it will have the contrary effect. The question is simply will you support your chief magistrate? Our vote does not go merely to one man and to his feelings. It goes to the trust. When clubs are arrayed against your government, and your chief magistrate decidedly arrays the militia to suppress their insurrection, will you countenance or discountenance the officer? Will you ever suffer this House, the country, or even one seditious man in it, to question for an instant whether your approbation and co-operation will be less prompt and cordial than his efforts to support the laws? Is it safe, is it honourable, to make a precedent, and that no less solemn than humiliating, which will authorise, which will compel every future president to doubt whether you will approve him or the clubs? The President now in office would doubtless do his duty promptly and with decision in such a case. But can you expect it of human nature, and if you could, would you put it at risk whether in future a President shall balance between his duty and his fear of your censure. The danger is, that a chief magistrate, elective as ours is, will temporise, will delay, will put the  
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the laws into treaty with offenders, and will even ensure a civil war perhaps the loss of our free government, by the want of proper energy to quench the first sparks. You ought therefore on every occasion to shew the most cordial support of the executive in support of the laws. This is the occasion. If it is dangerous to liberty, against right and justice, against truth and decency, to adopt the amendment, as it has been argued, then the President and Senate have done all this. Mr. Ames concluded with saying, that in a speech so long, containing such various matter, and so rapidly delivered, he might have dropped many observations in an incorrect state. He relied on the candor of the House, and of his opponents, for the interpretation of them.

When Mr. Ames had closed his remarks, the House at a quarter past three o'clock adjourned.

THURSDAY, the 27th of NOVEMBER, 1794.

This day there was read a second time, in the Senate, the bill entitled, "An act extending the privilege of franking to Mr. James White, and making provision for his compensation." It was ordered to pass the third reading. A message was received from the House of Representatives by Mr. Beckley, their clerk, informing that they had passed a bill entitled, an act to authorize the President to call out and station a corps of militia in the four western counties of Pennsylvania, for a limited time; in which, they desire the concurrence of the Senate. This bill was read a first time; ordered to pass to the second reading, and then the House adjourned, until to-morrow forenoon, at eleven o'clock.

In the House of Representatives this day, the engrossed bill to authorize the President to call out and

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station a corps of militia in the four western counties of Pennsylvania, for a limited time; was read the third time, and a blank therein filled up. The bill was then past, and sent up to the Senate, with a desire of their concurrence.

Mr. Coit, from the committee appointed, presented, according to order, a bill for the relief of John R. Livingston, which was received, and read the first time.

*Ordered*, That the report of the Secretary at War on the memorial of Peter-Perrit, which lay on the table, be referred to the Committee of Claims.

The House resumed the consideration of the amendments, reported on Tuesday last, from the committee of the whole House, to whom was referred the address to the President of the United States, in answer to his speech to both Houses of Congress. They had before them the amendment proposed by Mr. Dayton, and already mentioned, for restoring the words *self-created societies* and to their former place in the amendment of Mr. Fitzsimons.

Mr. Rutherford said this was a *long step* to get at the democratic societies. He adjured the House to have nothing to do with it. He repeated the substance of his former remarks on the conduct of those who appeared so solicitous to throw an odium on the democratic societies. He contended that too much importance was given to these institutions; they were harmless of themselves, and if let alone would have no more weight in the community than their conduct should entitle them to. If they promulgated truth, the people would hear them, and follow their advice; if not, they would sink into contempt. But what is the import of the motion? It favors of jealousy, a mere suspicion, of what? He saw nothing on which to found any such jealousy or suspicion; the people are satisfied with their own government, they

they will support it; the people are happy and contented; why then raise doubts and difficulties? why start at shadows? why give consequence to trifles? "Trifles light as air, are to the jealous confirmations strong, as proofs of holy writ." Let us dismiss this unmanly jealousy, and let us imitate the example set us by the state of Massachusetts; there was a man in that state by the name of Shays; he raised a bustle, and made a noise; but what did the government do? Why they despised him, and in a short time he sunk into insignificance.

Mr. Baldwin considered it as an entirely new doctrine to say, that the address ought to be an echo to the speech. It would look very precipitate thus to deliver opinions *with our hats in our hands*, the moment that we have heard the speech. The President took time to compose the speech, and the House ought to think well before they gave an answer to matters of opinion like this. Mr. Baldwin would much rather give no answer at all to the speech than proceed with such abruptness, before the House had examined evidence. He did not think that replying to the speech was an essential circumstance. It had been customary to answer, but if the House were to battle at this rate, about the contents of it, he was very well convinced that they had much better drop it at once, and proceed to the business before them. Where would be the harm of making no answer? It was customary, on occasions of this kind, for Governors to make a speech, but in some of the states of the union, it was the rule *not* to answer the Governor. It was said that we ought to answer every part of the speech. But there was no gentleman on that floor, who could shew Mr. Baldwin a clause in the constitution, for giving any answer at all. There were no directions even for the President making a speech. But if members said

that it was customary to take notice, in the reply, of every topic touched in the speech, he would tell them in one word that they were mistaken. For it was only last year, that when the President delivered his speech, the House took no notice whatever in their answer, of several matters of opinion alluded to by him, and which Mr. Baldwin specified. It was quite a new doctrine to say that we must answer every thing which he says. Mr. Baldwin highly regretted the waste of time, and temper on this idle topic. In fact we had already given a very substantial answer to one part of his speech, by voting agreeable to his advice, for an establishment of troops in the western counties. In all self-evident positions, Mr. Baldwin was ready to give an echo to the speech; but he did not think it self-evident, that the democratic societies had been the cause of the insurrection. He actually disbelieved it. The only paper which they had before them, in the form of evidence, which was the letter from Mr. Hamilton, stated a quite different cause, for it tells you that the discontents had gone to an alarming height long before the societies existed. It had been said that the House were a grand inquest. Let us proceed then *bill or no bill*. Let us try the cause. We cannot decide at present, for excepting Mr. Scott, there is not a gentleman on the floor, who knows any thing personally about the matter; and even he only tells us that the accounts given by the President and Mr. Hamilton are *strictly true*; and that, as to the rest of the affair, every member knows as much as he does. This therefore ends in nothing. But if we must have an echo, he would advise in the first place to appoint a committee of enquiry into the causes of the rebellion, like that on the defeat of St. Clair, which sat for three months. This would be going regularly and honestly about it. But to pass a vote  
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of censure of this sort, without any evidence or authority, was what Mr. Baldwin never would consent to. Instead of all this debating and fine speaking, in which certain gentlemen were such wonderful proficient, the appointment of a committee would have come much nearer the purpose.

In matters of notoriety, as that we were enjoying the blessings of peace, when that should be the case, or in any other matter of fact, that was in itself incontestible, Mr. Baldwin had no objection to a reply in the style proposed. But to adopt it in a question so serious as that now before the House would be unpardonable. Mr. Baldwin did not assume or attempt that animated style adopted by some members, for he really was not much affected. He thought that the House had made a very poor employment of three valuable days, that might have been occupied much better; and now we are getting into a fourth, and how long we are to go on at this rate there is no man in America who can tell. As to democratic societies, there were none in the state (Georgia) which he represented, nor was he disposed to feel the smallest alarm about them. It was to him very doubtful, whether the President, in his speech, had a reference to any society in the Union, except those of the four western counties. He preferred the words *combinations of men*, to the phrase of *self-created*, because every society in America was, self-created. He strongly recommended throwing aside the address altogether, and going into the business for which the members were paid and sent there. He was sure that the President, for whom he felt all due respect, could not feel any very great satisfaction at the way in which they had set out. This is the scope and substance of what Mr. Baldwin said. In the course of his speech Mr. Baldwin remarked that many members had been puzzled at

what Mr. Scott intended to say about the concern of democratic societies in other parts of the Union, with the rioters. Mr. Scott rose therefore and repeated exactly what he had said yesterday, and which the reader has already seen in our account of yesterday's debate. The report of what Mr. Scott then said agrees minutely with his own explanation of it, as given a second time this day.

Mr. Madison said that he entirely agreed with those gentlemen who had observed that the House should not have advanced into this discussion, if it could have been avoided, but having proceeded thus far it was indispensably necessary to finish it. Much delicacy had been thrown into the discussion, in consequence of the chief magistrate; he always regretted the circumstance, when this was the case. Mr. Madison observed that if it were admitted to be true that the President really had this opinion ascribed to him, an assumption very questionable, yet that was no reason why the House should desert its own judgment, in deference to his. The President would not do so by them. They all remembered that once, on a great constitutional point, the President had differed in opinion both from the Senate and House of Representatives, and he candidly laid his opinion before the two Houses, and Mr. Madison at that time, which he did not now mention to make a merit of it, was of opinion with the President. This difference of opinion between Congress and the President was on the law apportioning the Representatives. Mr. Madison said that it was the glory of a free country that nothing innocent in the eye of the law was cognizable by any body of men. He rejected the idea that an action innocent in law could be the object of censure to a legislative body. The constitution had been extremely cautious of entrusting them with any power to intermeddle. Were  
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a murder or any other crime the most horrid that could be imagined, to be perpetrated, that House had no title to try the criminal. In order to come exactly at the nature of a proceeding, the way was to examine its principle, and that principle by the consequences to which it led, and where it would naturally end. He was entirely convinced that, in the present case, the effects would be extremely pernicious. If we advert to the nature of republican government, we shall find that the censorial power is in the people over the government, and not in the government over the people. If the House assumed the censorial power implied in the amendment, it was claiming an authority which he had never heard of its claiming before, and which he never should wish any legislative body to possess. The consequence of such a power must be the end of freedom. This vote of censure would be a severe punishment on the persons composing democratic societies. It was a kind of attainder hanging out people as objects of public indignation. He was sure that gentlemen did not mean to hold up the societies to *popular resentment*? It cannot be said that this measure is to be of any service in giving a proper turn to the minds of the public. For the whole continent has been unanimous in condemning the conduct of the insurgents. If the press occasionally promulgates untruths, this inconvenience is only a necessary consequence of its existence. If bad men try to subvert the government, good men must labour to support it, and to overpower their attempts. Mr. Madison said that he had the utmost faith in this principle, which is the basis of Republican government. The House of Representatives stand on good ground. They require no such dangerous expedient to sustain their authority; and at a future period there may exist a legislature of a character very dif-

ferent from the present, and to whom the amendment before the House may present a dangerous precedent. The worst consequences may take their rise from such a beginning. As he had confidence in the good sense and patriotism of the people, he did not anticipate any lasting evil to result from the publications of these societies; they will stand or fall by the public opinion; no line can be drawn in this case. The law is the only rule of right; what is consistent with that is not punishable; what is not contrary to that, is innocent, or at least not censurable by the legislative body.

With respect to the body of the people, whether the outrages have proceeded from weakness or wickedness, what has been done, and will be done by the legislature will have a due effect. If the *proceedings* of the government should not have an effect, will this declaration produce it? The people at large are possessed of proper sentiments on the subject of the insurrection; the whole continent reprobates the conduct of the insurgents; it is not therefore necessary to take the extra step. The press he believed would not be able to shake the confidence of the people in the government. In a republic, light will prevail over darkness, truth over error. He had undoubted confidence in this principle. If it be admitted that the law cannot animadvert on a particular case, neither can we do it. Governments are administered by men; the same degree of purity does not always exist. Honesty of motives may at present prevail, but this affords no assurance that it will always be the case. It ought always to be kept in mind that at a future period a legislature may exist of a very different complexion from the present; in this view, we ought not by any vote of ours to form a hazardous precedent. He observed that the member from Georgia (Mr. Baldwin) had anticipated him



him in a remark that there was no constitutional necessity for making an answer to the speech, if the House could not agree as to the contents of it. Mr. Madison, in different parts of his speech, adverted to the extreme delicacy of the situation in which he found himself, and his solicitude, lest in the course of the discussion, there should be any appearance of a want of that deference and respect for the President, to which, by his abilities, his services, and his virtues, he was so highly entitled. He agreed with the doctrine, that the people have a right to censure the House, but that the House have not, in their character of a legislative body, any right to pass votes of censure upon the people. It had been said (by Mr. Dayton) that in the case of St. Clair, the House appointed a committee of enquiry, and had assumed it as their right to pass, if they thought proper, a vote of censure on individuals. But here the case was entirely different. General St. Clair, and the other persons to be affected by that enquiry, were holding public offices, and amenable to government for their conduct. The democratic societies do not come under this description; nor was there, Mr. Madison believed, in the whole compass of the proceedings of the House, any thing that resembled this proposed amendment. Institutions confessedly not illegal, are not objects of legislative censure.

Mr. Dexter rose in reply to Mr. Madison. He said, that if he viewed the subject in a light as trivial as some gentlemen appeared to do, he would not trouble the House with any further remarks, after having so long detained them while in committee; if he viewed the amendment proposed as dangerous to the most perfect freedom of expressing political opinions, as the gentlemen seemed to do who was up last, he would be the last to support it. He said that the most certain

certain way to destroy this freedom was to encourage an unlimited abuse of it ; and the way to render a free press useless, was to prostitute it to the base purposes of party and falsehood, until wearied with constant impositions, the public would reject all information from that source as uncertain and delusive. He said that the most successful weapon used by the enemies of civil freedom ever had been, to push the ideas of liberty to such wild extremes, as to render it impracticable and ridiculous, and thus to compel the sober part of the community to submit to usurpation as a less evil than utter insecurity and anarchy. He added, if America loses her liberty, this will be the instrument of her destruction. We possess, he said, greater equality of property and information than any other nation ; the means of subsistence are so easily obtained that no man is necessarily dependent on the will of another : from these circumstances, our country is more fit than any other for a republican form of government ; if we fail in maintaining it, we shall be fairly considered to have made an experiment, not only for ourselves, but for the world ; which will prove, that the beautiful theory of civil freedom is not practicable by man ; that ambition and envy, aided by ignorance, are naturally too strong for patriotism. Mr. Dexter said, that the nature of civil freedom is more obscure than its real friends could wish ; that it consists rather in what it forbids, than in what it allows ; that man was free before he became a member of society ; that the great object of associating was not to obtain freedom, for that was possessed before, but to guard against the abuse of it in violating the rights of others. My liberty, he said, is, that all other citizens are restrained from violating my rights ; and the liberty of each one of them is, that I and all others are equally restrained

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strained from violating his rights. Restraint then is necessary to constitute *civil liberty*, and the uniformity of this restraint, as it operates equally on all classes of citizens, is *equality*. I know, sir, that a doctrine very different from this has been held by some false apostles of liberty, and that the aspiring, the vicious, the desperate, and the weak have flocked to this standard: By them the power to violate the rights of others, and disturb the public peace with impunity, has been profanely called liberty; and the universality of this has been called equality. Can I be a freeman, Sir, if the government, which is my only security for all my rights, may be invaded with impunity, and my reputation, the dearest of all possessions, and the best reward of virtue, blasted by the foul breath of slander and falsehood? When this shall be admitted as a principle in the American code, we shall call that freedom which will be our misery; we shall cease to deserve liberty; we shall need a master. Let men meet for deliberating on public matters; let them freely express their opinions in conversations or in print, but let them do this with a decent respect for the *will of the majority*, and for the government and rulers which the people have appointed; let them not become a band of conspirators to make and propagate falsehood and slander; let them not instigate to the highest crimes against society; and, Sir, if any have so done, let not us encourage them in these outrages, by calling them the exercise of the inviolable rights of freemen. To suffer misrepresentations of government to gain credit among the people, is giving a blow to the weakest part of our government. It would be a most important political acquisition if means could be devised to scatter through the union, true ideas of the measures of government. The best intentions cannot now guard the

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the citizens from being deceived by the cunning and depraved ; some improvement on this subject seems essentially necessary to perfect the system of political freedom. Scattered as our countrymen are, over an immense country, and employed in useful industry, perhaps this is rather to be wished for than expected ; but we can at least take measures to prevent the most fatal effects from misrepresentations and scandal. Mr. Dexter said he had made these remarks as being applicable to most of the reasoning against the proposed amendment, and particularly to that of the gentleman from Virginia who last sat down (Mr. Madison.) He was no more inclined to infringe rights which the people had reserved than that gentleman, but he did not know any article or principle of the constitution by which the people had reserved to themselves the precious right of vilifying and misrepresenting their own government and laws, and exciting treason and rebellion with impunity. However inestimable the right of free discussion of public matters and of a public press might be, and no man valued them more highly than himself, he thought that when they were so abused as to become hostile to liberty and threaten her destruction, the abuses ought to be corrected ; and he argued from the principle of self-preservation, that the government of every country must have the right to do so. Unless those are more sacred than the very liberty they are designed to secure, this cannot be denied. Mr. Dexter observed, that Mr. Madison had stated as a principle, from which to argue, and on which almost all his deductions were founded, a proposition so doubtful in itself, that it ought rather to be proved than assumed as a first principle from which to reason, viz. that we cannot rightfully intermeddle in any way with a subject which we cannot regulate

regulate by law. Admitting it to be a true and self evident proposition, however, he said, it concluded nothing against the amendment ; for it would still remain to be proved, which it never could be, that the legislature had no right to restrain such abuses by law. He did not think it necessary or expedient to make any law on the subject ; he hoped it never would be ; but he did not doubt the right to forbid such flagrant outrages on social order, and all arts tending to produce them. There can be no better proof, he said, that such laws may be made than that they now exist. Mr. Madison had mentioned religious societies as not to be prohibited by law ; as such Mr. Dexter said they clearly could not be, no more could harmless discussions of political subjects by individuals or associations ; but would any man doubt, when under the pretence of the exercise of these rights, the blackest crimes were instigated and perpetrated, that the law had a right to punish ? The clubs have waged war, not only with the government which the people have instituted, and the rulers whom they have appointed ; but they have counteracted all the most essential principles of republicanism. They, being a small minority, have attempted to controul the majority ; to usurp a power which the people never delegated to them, to act as censors, nay controulers, of the government and laws ; they are responsible to nobody for the exercise of it, and are to continue in office as long as they shall please. Such societies have all the properties, except the power, of absolute despotism ; yet these tyrants prate about liberty, and profane the name of republicanism. Mr. Dexter adverted to Mr. Madison's observation, that the censure intended must be a punishment, and that the House had no constitutional right to convict of, or punish  
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for crimes. If the proposed amendment be a punishment, he said, it is of a singular kind; it is punishment in the abstract, without an object punished. It says that *certain* self-created societies have trespassed; can this be called a stigma on all such societies? The word *certain* forbids this construction. Which society is punished? None, unless conscience or public opinion shall designate the object. The President, in another part of his address, has lamented that certain citizens have shewn themselves capable of an insurrection, and we have done the same in our answer; is this a stigma on all citizens? It had been repeatedly said, that the measure is unnecessary, because the danger has subsided; but he asked, is it not necessary to inform the people from whence the evil arose, to guard against a repetition of it! Can we always presume on the same prompt patriotism of a future Executive; or the same public confidence in his measures, and compliance with his requisitions? or on the same good fortune in reclaiming or subjugating the disobedient? There was a time when the insurrection was truly formidable; it rose like a water-spout, threatening to annihilate gravity, and throw the ocean to Heaven; as that by force of the general principle of attraction returns again to its former level, and mixes with the surrounding waters, so this civil tumult has been overcome by the energy of the laws; but it is folly to incur future evils, presuming on similar good fortune. The heavy hand of despotism may forcibly hold down the scale which preponderates, and preserve public order; but in free establishments like ours, where the scales are nicely balanced, the smallest breath disturbs the equilibrium. A gentleman from Virginia (Mr. Giles) has compared the amendment to the denunciations of France. Those were not uttered by the organs  
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of the public will ; they were denunciations of individuals, or self-created societies against individuals ; whereas this is neither. This is only stating a fact for public information. The same gentleman, and many others, have said that we have not sufficient evidence of this fact. We know, Sir, that resolutions of such societies encouraging rebellion, were made and published ; we know that their natural effect did take place. Knowing then both the cause and effect, can we doubt of their connection ? If I see a firelock pointed at a man, hear the discharge, and see the man fall, and if on inspection I find a ball lodged in his body, can I doubt as to the cause of the death of the man, because I could not see the ball pass from the muzzle to the man ? Must we see things in their nature invisible, before we believe ? The President has been present at the scene of insurrection ; we have his testimony on the subject, and other official communications are not wanting. We have the pointed testimony of the member from Pennsylvania (Mr. Scott), who was an eye witness. He tells us that the club there directed the insurrection ; that the same men were leaders in the club and in the field ; and that they corresponded with other clubs. The gentleman from Virginia, last alluded to, had said that discontent and disturbance existed there prior to the establishment of clubs. But does it follow from this that their measures, when established, did not increase the evil, and, by deceiving the malcontents as to the principles and conduct of the government, and the disposition of the people, encourage them to take arms ? The clubs declared that they spoke the opinion of the people, and the deluded insurgents believed them. The same gentleman has said, that the President addresses the public, and not us, on this subject, and therefore does not expect an answer. Why, Sir, shall

shall we not join in the address, if it be true and useful? The Senate have done it; if we do not, we seem to contradict it. If we do not, we create a dangerous disagreement between the different branches of Government, distract the public mind, and encourage disorders. If the member from Pennsylvania is to be credited, and no man will dispute his testimony, the clubs are more criminal than the deluded insurgents; yet we have censured the latter without reserve. Why, Sir, has the gentleman from Virginia (Mr. Giles), criminated so severely our zeal on this question? Why has he condemned the oratory it has excited, when he often gives us such handsome specimens of it? If liberty and our country are in danger, it is treason to be cold. From the gentleman's censures on the loose reasoning and warmth in favour of the amendment, we were led to expect from him the most dispassionate demonstration; yet the gentleman appeared in some of his reasoning more ingenious than solid; it was too fine spun to be strong. The strength of his understanding, like the intense heat of the sun, produced a vapour to obscure its own effulgence. One plain distinction is an answer to most of the reasoning of this gentleman and his colleagues. We do not contend for controuling, or even animadverting, on the rights of opinion or of publishing opinions. We wish only to call the attention of the public to the abuses of those rights, and the crimes that such abuses have produced, which endanger the existence of those very rights, and liberty in general; in order that the people, knowing the evil, may themselves correct it.

In the course of this speech, while Mr. Dexter was quoting Mr. Madison, he was interrupted by that gentleman, who declared that Mr. Dexter had entirely mistaken his meaning. Mr. Dexter had



said, that according to Mr. Madison the House might very readily disbelieve facts laid before them on the authority of the President. The member from Virginia explained, that he never entertained any idea of this kind. He only asserted that it might be so in matters of opinion, such as whether the democratic societies in other parts of the union had infligated the disturbances in the four western counties. But Mr. Madison saw no evidence that the President intended to convey such an opinion.

Mr. Nicholas apologised for again troubling the House. Two members (Mr. Ames and Mr. Dexter) had left the subject precisely where they found it. They had fallen so far short of their promises, he felt such an impression from having heard their observations, that it was impossible for him to remain silent; and he therefore must cast himself on the indulgence of the House. Gentlemen now begin to use a most extraordinary argument, viz. the dangerous consequences that would result from giving a negative to this question, as to the effects that it would have on the minds of the public. Gentlemen said, since the question has been started you must vote this way, because upon a comparison of mischiefs, the rejection of the amendment will be attended with much the greatest danger. Mr. Nicholas considered this kind of reasoning as altogether unfair. If any bad consequences result from negating the amendment, the blame must fall exclusively on those who introduced it. Gentlemen, who from the best motives have uniformly opposed it, are not to be told that they ought to vote for it, because the refusal will be attended with such or such effects. With these Mr. Nicholas had nothing to do. Those who introduced the amendment should have foreseen the consequences of its being refused. To reason in this way was to act upon an alarming

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principle. The member again denied that there was any evidence before the House which could justify this vote of censure. He complained that the name of the President had been too much introduced into this business. He cited an expression of Mr. Hillhouse. That member rose and declared that his meaning had been mistaken. Mr. Nicholas remarked, that if every thing which was alleged against the democratic societies had been just, if it was true that they had never published any thing but lies, they would long since have been blasted [the member employed a stronger expression] in this country. The end of their institution was to discover and point out the faults of government. Now, if they are not to be suffered to do this, if their style must be restricted to panegyric on the measures of the legislature, the whole design of their institution is frustrated, and they never can do any good. Mr. Nicholas thought that the gentleman last up had employed a very odd sort of argument in favour of the amendment. He had recommended the vote of censure to favour, because it was *indefinite*, and pointed at nobody in particular. "Now," said Mr. Nicholas, "that is the very best argument, the very strongest reason which I can imagine, for rejecting it. An accusation is brought forward, and the House are required to vote for it, because it is *indefinite*; in other words, because nobody can tell *who are the persons guilty*."

Mr. Montgomery was of opinion that Mr. Dexter, and some members on that side of the question, had laid much stress upon a very insignificant sort of argument. You must vote this way, or that way, because if you do not, the citizens of the United States will imagine that the whole House of Representatives are in favour of democratic societies. One gentleman (Mr. Ames) had told us that same,  
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or calumny, with one hundred, or one hundred thousand tongues, was flying over every post road on the continent, and proclaiming that forty-five or forty-seven members of Congress were in favour of democratic societies. It had likewise been alleged, that if the amendment could be carried, the people would consider the whole weight of the House of Representatives against the societies. Mr. Montgomery considered this reasoning as entirely chimerical. The people knew by this time, as well as the House itself did, that they were divided by a majority of one or two, and which ever party gained the victory, the people would pay as much respect to the votes of forty-five members on one side, as of forty-seven on the other. The trifling difference of two or three votes would make no impression whatever, in forming the sentiments of the public. Did gentlemen imagine that the President, admitting that he was in any way interested in their decision, could feel any great satisfaction in a majority of forty-seven against forty-six? or was the weight of the forty-six members to be destroyed with the public, merely because they happened to be out-voted by such a narrow majority? If the amendment was voted at all, it would be in this way, and he could not possibly see what advantage any party was to reap from having such a majority. The people at large knew, as well as the House, the state of votes on the amendment, and, at any rate, they will judge for themselves. He wished the thing to fall asleep, and as the most peaceable way to get rid of it, he should, if seconded, move the previous question.

Several gentlemen arose to second this motion. Mr. Sedgwick and Mr. Dayton declared that it was out of order to make such a motion. It would bring the House into such a dilemma that they could not

get forward with the business, either one way or another. After some dispute this point of form was referred to the Speaker. He declared that the motion for a previous question was out of order, because it was a question on an amendment, and not on a main question.

The House were then going to divide, when Mr. Carnes got up.

He was entirely against the amendment. It denounced vengeance against all societies; this was extremely unjust. It would be better for the House to speak out like men, and name the culprits. Let a committee be appointed, if we must take notice of the affair, and let them enquire and report what was the real cause of the late insurrection. Mr. Carnes gave an instance of a democratical society that turned out as volunteers against the rioters. "Do we think," said Mr. Carnes, "that the President interests himself in our address. Sir, that character is not to be amused with trifles. *He is not to be tickled with the turn of a paragraph.* What! are we to answer a line and an half of a speech, with a vote that strikes at *the soul of all society*? Are we to point the finger of execration indiscriminately? What will be the effect, Sir, of this conduct? A gentleman (Mr. Sedgwick) told you the other day, that democratic societies had produced the insurrection; but when, in the course of his observations, he became a little more animated, he told us that a foreign envoy, Genet, had been the cause of all this mischief. If this be true, the democratic societies are innocent. Sir, by this amendment you would prevent the freedom of speech, and lock up the mouths of men. They are not to censure the measures of government, and then bad men may do what they please with it. I hope, Sir, that the day will never come when the people of America shall  
not

not have leave to assemble and speak their mind. It is acknowledged that this affair is not an object of judicial cognizance. This overstraining always defeats its own purpose. The trials of Muir and others, on flimsy grounds, have done more service to the cause of their party, than if they had received a reinforcement of five thousand fighting men." Mr. Carnes next adverted to "the *poor* figure of a fore backed horse." As to the comparison between this business and that of St. Clair's failure, there was no sort of similarity or correspondence between them. In that case the House had employed servants, and was entitled to look into their conduct. The present amendment, on the contrary, holds up no determinate object, and has ill-nature and asperity on the very face of it. When the President, in his speech, mentioned the self-created societies, he did not address himself to the House of Representatives, but to the people at large. But if it was to become the rule, in framing a reply, to make it an exact echo of the speech itself, if there was no necessity for exercising our judgments, he considered the House as losing time. It would be much better to take the speech at once, turn the other end uppermost, and send it back to the President as fast as possible. As to this all-powerful resolution which was to go into these *dark cells*, of which the House had been told, it would be much better to give the gentleman (Mr. W. Smith) a blacking brush, and send him into them, to mark out the guilty. The House would then know how to proceed. Mr. Carnes objected to Mr. Dexter's comparison, of a man shot dead by a ball. He wanted the gentleman to shew him the bullet, or, in plain terms, to shew him a letter from the democratic societies of New-York or Philadelphia, addressed to the western people, and exciting them

to insurrection; but as the gentlemen could shew him no such thing, Mr. Carnes, utterly denied the propriety of the parallel.

Mr. W. Smith thought it somewhat strange that at this time of day, members should be calling for facts, when these are so well known to all the House. He then opened a volume of newspapers, and read a set of resolutions, dated 8th of May last, adopted and published by the Democratic Society of Philadelphia. They are as follows:

Resolved, as the opinion of this society, that the constitution of the United States, the sacred instrument of our freedom which every public officer has sworn to preserve inviolate, has provided, that the different departments of the government should be kept distinct; and consequently that to unite them is a violation of it, and an encroachment upon the liberties of the people guaranteed by that instrument.

Resolved, as the opinion of this society, that, as by the constitution all treaties are declared to be the supreme law of the land, it becomes the duty of the judiciary to expound and apply them; to permit; therefore, an officer in that department to share in their formation is to unite distinct functions and tends to level the barriers of our freedom, and to establish precedents pregnant with danger.

Resolved, as the opinion of this society, that justice requires, and the security of the citizens of the United States claims an independence in the judiciary power; that permitting the executive to bestow offices of honour and profit upon judges, is to make them subordinate to that authority, is to make them its creatures, rather than the unprejudiced and inflexible guardians of the constitution and the laws.

Resolved, as the opinion of this society, that from the nature and terms of an impeachment against a President, it is not only necessary that the chief justice

tice of the United States should preside in the Senate, but that he should be above the biases which the honors and emoluments in the gift of the executive might create; that it is, therefore, contrary to the intent and spirit of the constitution to give him a foreign mission, or to annex any office to that which he already holds.

Resolved, as the opinion of this society, that every attempt to supersede legislative functions by executive interference, is highly dangerous to the independence of the legislature, and subversive of the right of representation.

Resolved, as the opinion of this society, that the appointment of John Jay, chief justice of the United States, as envoy extraordinary to the court of Great Britain, is contrary to the spirit and meaning of the constitution; as it unites in the same person judicial and legislative functions; tends to make him dependant upon the President, destroys the check by impeachment upon the executive, and has had a tendency to controul the proceedings of the legislature, the appointment having been made at a time, when Congress were engaged in such measures as tended to secure a compliance with our just demands.

Resolved, as the opinion of this society, that after the declaration made by John Jay, that Great Britain was justifiable in her detention of the western posts, it was a sacrifice of the interests and the peace of the United States to commit a negotiation to him, in which the evacuation of those posts ought to form an essential part; that to abandon them is to put at stake the blood of our fellow citizens on the frontiers, is to give birth to a perpetual military establishment, an endless war, and all the oppressions resulting from excise and heavy taxation.

Resolved, That the above resolutions be made public, that they be immediately transmitted to all

the democratic societies in the union, as a protest of freemen against the most unconstitutional and dangerous measure in the annals of the United States, and as an evidence, that no influence or authority, whatever shall awe them into a tacit sacrifice of their sacred rights.

By order of the society.

J. SMITH Presid. pro tem.

GEO. BOOTH, Secretary.

Mr. Smith next observed, that individual legislatures in the union had passed votes of censure on this House, and he did not see, by a parity of reasoning, why the House might not also pass votes of censure. Mr. Smith said, that there had been a great change in the sentiments of some members of that House. About two years ago the House of Representatives had determined by thirty-five votes against sixteen, to pass an opinion on the new constitution of France, and the gentlemen who had then exercised the right of passing opinions, now denied that the House had it. Mr. Smith concluded by saying, that the President had denounced the democratic societies, and they had denounced him.

Mr. Giles rose and said that the charge of inconsistency rested with the member last up, who in the case referred to, had asserted that the House had no right to pass a vote of opinion, yet, on the present question, insisted that they had. Mr. Giles was one of the thirty five, who voted for an exercise of opinion, but this was only for returning a civil answer to a civil letter from the Republic of France. The gentlemen who gave that vote for an answer knew, that they were to give an opinion, where they could not legislate. There was therefore no inconsistency on the part of these members; but with the gentleman



man from South-Carolina. Mr. Giles informed the House of his having, this moment, learned, that in the army, in the western counties, there was nothing talked of, but overturning democratic societies. No body could tell where this matter might end.

Mr. Smith replied that he voted against returning the answer to the French Republic, because their new Constitution appeared to him unstable, and so, in the sequel it had proved, for they themselves have since voted that it was dangerous to their liberties. He did not vote against the right, but that particular exercise of it.

The question was then put; shall the words *self-created societies and* be replaced in the amendment of Mr. Fitzsimons. This was carried by a majority of 47 against 45. The Yeas and Nays were demanded and taken on this question.

Those who voted in the affirmative, are,

Fisher Ames,  
James Armstrong,  
John Beatty,  
Elias Boudinot,  
Shearjashub Bourne,  
Benjamin Bourne,  
Lambert Cadwalader,  
David Cobb,  
Peleg Coffin,  
Joshua Coit,  
William J. Dawson.  
Jonathan Dayton,  
Samuel Dexter,  
Thomas Fitzsimons,  
Dwight Foster,  
Ezekiel Gilbert,  
Nicholas Gilman,  
Henry Glen,  
Benjamin Goodhue,  
James Gordon,

Samuel Griffin,  
William Barry Grove,  
Thomas Hartley,  
James Hillhouse,  
William Hindman,  
Samuel Holten,  
John Wilkes Kittera,  
Henry Latimer,  
Amasa Learned,  
Richard Bland Lee,  
Francis Malbone,  
William Vans Murray,  
Thomas Scott,  
Theodore Sedgwick,  
John S. Sherburne,  
Jeremiah Smith,  
William Smith,  
Zephaniah Swift,  
George Thatcher,  
Uriah Tracey,

Jonathan

Jonathan Trumbull,  
John E. Van Allen,  
Peter Van Gaasbeck,  
Peleg Wadsworth,

Artemas Ward,  
John Watts, and  
Paine Wingate.

Those who voted in the negative, are

Theodorus Bailey,  
Abraham Baldwin,  
Thomas Blount,  
Thomas P. Carnes,  
Gabriel Christie,  
Thomas Claiborne,  
Isaac Coles,  
Henry Dearborn,  
George Dent,  
Gabriel Duvall,  
William Findley,  
William B. Giles,  
James Gillespie,  
Christopher Greenup,  
Andrew Gregg,  
George Hancock,  
Carter B. Harrison,  
John Heath,  
Daniel Heister,  
John Hunter,  
Matthew Locke,  
William Lyman,  
Nathaniel Macon,

James Madison,  
Joseph M'Dowell,  
Alexander Mebane,  
William Montgomery,  
Andrew Moore,  
Peter Muhlenberg,  
Joseph Neville,  
Anthony New,  
John Nicholas,  
Nathaniel Niles,  
Alexander D. Orr,  
Josiah Parker,  
Andrew Pickens,  
Francis Preston,  
Robert Rutherford,  
John Smilie,  
Israel Smith,  
Thomas Tredwell,  
Philip Van Cortlandt,  
Abraham Venable,  
Francis Walker, and  
Joseph Winston.

Another motion was then made by Mr. Christie, and seconded, further to amend the said clause, by inserting after the words "*combinations of men*" the words "*in the four western counties of Pennsylvania, and parts adjacent.*" The object of this amendment was, by limiting the censure to the places therein mentioned, to vindicate the democratic societies in general from the imputation.

On the question thereupon, it was resolved in the affirmative, the House being equally divided, to wit: —

{ YEAS	46.
{ NAYS	46.

And

And Mr. Speaker declaring himself with the yeas.

The yeas and nays, as demanded by one fifth of the members present, were as follow :

## YEAS.

Theodorus Bailey,  
Abraham Baldwin,  
Thomas Blount,  
Thomas P. Carnes,  
Gabriel Christie,  
Thomas Claiborne,  
Isaac Coles,  
*William F. Dawson*,  
Henry Dearborn,  
George Dent,  
Gabriel Duvall,  
William Findley,  
William B. Giles,  
James Gillespie,  
Christopher Greenup,  
Andrew Gregg,  
George Hancock,  
Carter B. Harrison,  
John Heath,  
Daniel Heister,  
John Hunter,  
Matthew Locke,  
William Lyman,

Nathaniel Macon,  
James Madison,  
Joseph M'Dowell,  
Alexander Mebane,  
William Montgomery,  
Andrew Moore,  
Peter Muhlenberg,  
Joseph Neville,  
Anthony New,  
John Nicholas,  
Nathaniel Niles,  
Alexander D. Orr,  
Josiah Parker,  
Andrew Pickens,  
Francis Preston,  
Robert Rutherford,  
John Smilie,  
Israel Smith,  
Thomas Tredwell,  
Philip Van Cortlandt,  
Abraham Venable,  
Francis Walker, and  
Joseph Winston.

## NAYS.

Fisher Ames,  
James Armstrong,  
John Beatty,  
Elias Boudinot,  
Shearjashub Bourne,  
Benjamin Bourne,  
Lambert Cadwalader,  
David Cobb,  
Peleg Coffin,  
Joshua Coit,  
Jonathan Dayton,  
Samuel Dexter,

Thomas Fitzsimons,  
Dwight Foster,  
Ezekiel Gilbert,  
Nicholas Gilman,  
Henry Glen,  
Benjamin Goodhue,  
James Gordon,  
Samuel Griffin,  
William B. Grove,  
Thomas Hartley,  
James Hillhouse,  
William Hindman,

Samuel

Samuel Holten,  
John Wilkes Littera,  
Henry Latimer,  
Amasa Learned,  
Richard Bland Lee,  
Francis Malbone,  
William Vans Murray,  
Thomas Scott,  
Theodore Sedgwick,  
John S. Sherburne,  
Jeremiah Smith,

William Smith,  
Zephaniah Swift,  
George Thatcher,  
Uriah Tracey,  
Jonathan Trumbull,  
John E. Van Allen,  
Peter Van Gaasbeck,  
Peleg Wadsworth,  
Artemas Ward,  
John Watts, and  
Paine Wingate.

Another motion was then made by Mr. W. Smith, and seconded, further to amend the said clause, by inserting after the word "*adjacent*" in the amendment last agreed to, the words "*countenanced by self-created societies elsewhere.*"

And on the question thereupon, it passed in the negative ---  $\left\{ \begin{array}{l} \text{YEAS. 42.} \\ \text{NAYS. 50.} \end{array} \right.$

The yeas and nays being demanded by one fifth of the members present,

Those who voted in the affirmative, are

Fisher Ames,  
James Armstrong,  
John Beatty,  
Elias Boudinot,  
Shearjashub Bourne,  
Benjamin Bourne,  
Lambert Cadwalader,  
David Cobb,  
Peleg Coffin,  
Joshua Coit,  
Jonathan Dayton,  
Samuel Dexter,  
Thomas Fitzsimons,  
Dwight Foster,  
Ezekiel Gilbert,  
Henry Glen,  
Benjamin Goodhue,  
James Gordon,

Thomas Hartley,  
James Hillhouse,  
William Hindman,  
Samuel Holten,  
John Wilkes Kittera,  
Henry Latimer,  
Amasa Learned,  
Richard Bland Lee,  
Francis Malbone,  
William Vans Murray,  
Thomas Scott,  
Theodore Sedgwick,  
Jeremiah Smith,  
William Smith,  
Zephaniah Swift,  
George Ttacher,  
Uriah Tracey,  
Jonathan Trumbull,

John

John E. Van Allen,  
Peter Van Graafbeck,  
Peleg Wadsworth,

Artemas Ward,  
John Watts, and  
Paine Wingate.

Those who voted in the negative, are

Theodorus Bailey,  
Abraham Baldwin,  
Thomas Blount,  
Thomas P. Carnes,  
Gabriel Christie,  
Thomas Claiborne,  
Isaac Coles,  
William J. Dawson,  
Henry Dearborn,  
George Dent,  
Gabriel Duvall,  
William Findley,  
William B. Giles,  
James Gillespie,  
Nicholas Gilman,  
Christopher Greenup,  
Andrew Gregg,  
Samuel Griffin,  
William B. Grove,  
George Hancock,  
Carter. B. Harrison,  
John Heath,  
Daniel Heister,  
John Hunter,  
Matthew Locke,

William Lyman,  
Nathaniel Macon,  
James Madison,  
Joseph M'Dowell,  
Alexander Mebane,  
William Montgomery,  
Andrew Moore,  
Peter Muhlenberg,  
Joseph Neville,  
Anthony New,  
John Nicholas,  
Nathaniel Niles,  
Alexander D. Orr,  
Josiah Parker,  
Andrew Pickens,  
Francis Preston.  
Robert Rutherford,  
John S. Sherburne,  
John Smilie,  
Israel Smith,  
Thomas Tredwell,  
Philip Van Cortland,  
Abraham Venable,  
Francis Walker, and  
Joseph Winston.

A motion was now made to adjourn, and lost.

And then the main question was put, that the House do agree to the said clause proposed by Mr. Fitzsimons, with the amendment of Mr. Christie. The whole stood as follows :

“ In tracing the origin and progress of the insurrection, we can entertain no doubt, that certain self-created societies and combinations of men *in the four western counties of Pennsylvania, and parts adjacent*, careless of consequences, and disregarding the truth, by disseminating suspicions, jealousies and accusa-

tions of the government, have had all the agency you ascribe to them, in fomenting this daring outrage against social order, and the authority of the laws." The question was lost, nineteen members only rising in the affirmative. The House then adjourned at half past three o'clock.

As the parties had been so exactly balanced, during the former divisions, on this amendment of Mr. Fitzsimons, it will seem inexplicable, how, in the last division, there came to be only nineteen votes in favour of the amendment, and some of these nineteen were gentlemen who had *all along voted against it, in every other stage*. These peculiarities deserve to be explained, as illustrating on what nice circumstances the decision of an assembly may sometimes turn. The debate had lasted, in various shapes, for no less than four days, from Monday forenoon to Thursday afternoon, and on the first division this afternoon, there appeared for the vote of censure on the democratic societies, as conveyed in the amendment of Mr. Dayton to the amendment of Mr. Fitzsimons, a majority of 47 votes against 45. When the yeas and nays were taken on the amendment of Mr. Christie, for restraining the vote of censure to societies in the four western counties, &c. the numbers were equal, *forty-six* on each side. Mr. Dawson, since the preceding vote was taken, had been persuaded to alter his sentiments. The casting vote of the Speaker was then in favour of the restriction. An attempt was made to recover the ground thus lost, by the subsequent motion of Mr. W. Smith for adding, "countenanced by *self-created* societies in other parts of the Union." This was exactly the same thing in substance, as the motion first before carried by 47 against 45. It was, however, rejected as above by 50 against 42. A motion was twice made, in the course of a few minutes for *adjourning*, but was rejected. The gentleman

gentlemen who were opposed to the vote of censure, were determined to push their superiority; and insisted for a division on the whole amendment, which now included that of Mr. Christie, for restricting the censure of *self-created* societies to those of the four counties of Pennsylvania, and the parts adjacent. The votes were going to be taken, and there was an appearance that after these three successive divisions so closely following each other, where both parties had exerted all their influence, the amendment thus amended would have passed with a degree of unanimity. But Mr. Sedgwick now rose, and informed the House that, for his own part, he could not vote for the amendment to the address, *as it now stood*, because it contained a palpable incongruity. The amendment now said, that the House agreed with the President in regretting, that certain self-created societies, in *the four western counties of Pennsylvania, and parts adjacent*, had done so and so. The position might be extremely true; but no such specification had been made by the President; and, therefore, to join with him in regretting what he never had regretted, would be a downright absurdity. This discovery had a very evident effect on the House. A few gentlemen rose on both sides of the question, as by chance, but there was no division; and thus the labour of four days was demolished by an unexpected stroke of dexterity on the part of Mr. Christie.

## APPENDIX.

The following information was obtained from the records of the [redacted] Department of the Interior, Bureau of Land Management, regarding the [redacted] land grant.

[The remainder of the page contains extremely faint, illegible text.]



## APPENDIX.

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*Copy of a letter from MAJOR-GENERAL WAYNE, to the Secretary of War, dated Head-Quarters, Greeneville, 7th July, 1794.*

SIR,

AT seven o'clock in the morning of the 30th ultimo, one of our escorts consisting of ninety rifle-men and fifty dragoons, commanded by Major M'Mahan, was attacked by a very numerous body of Indians under the walls of Fort Recovery, followed by a general assault upon that post and garrison, in every direction.

The enemy were soon repulsed with great slaughter; but immediately rallied and reiterated the attack, keeping up a very heavy and constant fire at a more respectable distance, for the remainder of the day, which was answered with spirit and effect by the garrison, and that part of Major M'Mahan's command that had regained the post.

The savages were employed during the night, which was dark and foggy, in carrying off their dead by torch light; which occasionally drew a fire from the garrison. They nevertheless succeeded so well, that there were but eight or ten dead bodies left upon the field, and those close under the influence of the fire from the fort.

The enemy again renewed the attack on the morning of the 1st instant, but were ultimately compelled to retreat with loss and disgrace, from that very field where they had, upon a former occasion, been proudly victorious.

Inclosed is a particular general return of the killed, wounded, and missing. Among the killed we have to lament the loss of four good and gallant officers, viz. Major M'Mahan, Captain Hartshorne, and Lieutenant Craig, of the rifle corps, and Cornet Torry, of the cavalry, who all fell in the first charge. Among the wounded are the intrepid Captain Taylor of the dragoons, and Lieutenant Drake of the infantry.

It would appear, that the real object of the enemy was to have carried that post by a coup de main, for they could not possibly have received intelligence of the escort under Major M'Mahan, which only marched from this place on the morning, of the 29th ultimo, and deposited the supplies the same evening at Fort Recovery, from whence the escort was to have returned at Reveille the next morning; therefore their being found at that post, was an accidental, perhaps a fortunate, event. By every information as well as from the extent of their encampments, which were perfectly square and regular, and their line of march in seventeen columns, forming a wide and extended front, their numbers could not have been less than from fifteen hundred to two thousand warriors.

It would also appear that they were rather short of provisions, as they killed and eat a number of pack horses in their encampment, the evening after the assault; as also at their next encampment on their retreat, which was but seven miles from Fort Recovery, where they remained two nights, probably from being much incumbered with their dead and wounded; a considerable number of the pack horses were actually loaded with the dead.

Permit me now, Sir, to express my highest approbation of the bravery and conduct of every officer and soldier of the garrison and escort upon this trying occasion, and as it would be difficult to discriminate between officers equally meritorious and emulous for glory, I have directed the Adjutant-General to annex the names of every officer of the garrison and escort, who were fortunate enough to remain uninjured, being equally exposed to danger with those who were less fortunate.

But I should be wanting in gratitude were I to omit mentioning in particular Captain Alexander Gibson of the 4th sub-legion, the gallant defender of Fort Recovery.

Here it may be proper to relate certain facts and circumstances, which almost amount to positive proofs, that there were a considerable number of *the British, and the militia of Detroit*, mixed with the savages in the assault upon Fort Recovery, on the 30th ultimo and 1st instant.

I had detached three small parties of Chickasaw and Choctaw Indians, a few days previous to that affair, towards Grand Glaize, in order to take or obtain prisoners for the purpose of gaining intelligence. One of those parties fell in with a large body of Indians, at the place marked *Ginty's Town* in Harmar's route, on the evening of the 27th ultimo, apparently bending their course towards *Chilakothé* on the great Miami. This party returned to Greenville on the 28th, with

with this further information, "that there were a great number of *white men* with the Indians."

The other two parties got much scattered in following the trails of the hostile Indians, at some distance in their rear, and were close in with them when the assault commenced on Fort Recovery. These Indians all insist that there were a considerable number of armed white men in the rear, whom they frequently heard talking in our language, and encouraging the savages to persevere in the assault; that their faces were generally blacked, except three British officers, who were dressed in scarlet, and appeared to be men of great distinction, from being surrounded by a large party of white men and Indians, who were very attentive to them. These kept a distance in the rear of those that were engaged.

Another strong corroborating fact that there were British, or British militia in the assault is, that a number of *ounce balls* and buckshot were lodged in the blockhouses and stockades of the fort. Some were delivered at so great a distance as not to penetrate, and were picked up at the foot of the stockades.

It would also appear that the British and savages expected to find the artillery that were lost on the 4th of November, 1791, and hid by the Indians in the beds of old fallen timber, or logs, which they turned over and laid the cannon in, and then turned the logs back into their former birth. It was in this artful manner that we generally found them deposited. The hostile Indians turned over a great number of logs during the assault, in search of those cannon and other plunder which they had probably hid in this manner after the action of the 4th of November, 1791.

I therefore have reason to believe that the British and Indians depended much upon this artillery to assist in the reduction of that post. Fortunately, they served in its defence.

The enclosed copies of the examination of the Patawatime and Shawanoe prisoners, will demonstrate this fact, that the British have used every possible exertion to collect the savages from the most distant nations, with the most solemn promises of advancing and co-operating with them against the legion; nor have the *Spaniards* been idle upon this occasion.

It is therefore more than probable, that the day is not far distant, when we shall meet this *hydra* in the vicinity of Grand Glaize and Roche de Bout, without being able to discriminate between the *white* and *red* savages. In the interim, I am in

hourly expectation of receiving more full and certain intelligence of the number and intention of the enemy.

I have no further or other information respecting the mounted volunteers of Kentucky, than what you will observe in the enclosed copies of the correspondence between Major General Scott and myself \*. I hope they may be completed to their full number, because it would appear that we shall have business enough for the whole of them.

You will herewith receive the general and field return of the Legion, the quarterly return of ordnance and ordnance stores at this place, the Quarter-master General's return, and the return of the hospital department.

The horses that were killed, wounded, and missing in the assault against Fort Recovery, will not in the least retard the advance of the legion after the arrival of the mounted volunteers, because I had made provision for those kinds of losses and contingencies, which, from the nature of the service, must be expected, and will unavoidably happen.

I have the honor to be, with every sentiment of respect and esteem,

Your most obedient,

And very humble servant,

ANTHONY WAYNE.

Return of the killed, wounded, and missing of a detachment under the orders of Major M'Mahan, in the action near Fort Recovery, the 30th of June, 1794. Killed; cavalry, cornets, 1; privates, 8; total, 9. Wounded; captains, 1; serjeants, 2; corporals, 1; musick, 2; privates, 6; total, 12.

Riflemen, killed; majors, 1; captains, 1; lieutenants, 1; serjeants, 1; privates, 6; total, 10. Wounded; serjeants, 1; privates, 5; total, 6.

Garrison of Fort Recovery; killed; privates, 1. Wounded; lieutenants, 1; serjeants, 3; privates, 7; total, 11. Contractor's Department; killed, privates, 2. Wounded, 1. Missing, 3. Total, killed, 22. Wounded, 30. Missing, 3.

Horses, killed, 59. Wounded, 22. Missing, 221.

Names of the officers killed and wounded.

Major William M'Mahan, 4th sub legion, killed.

Captain Asa Hartshorn, 1st ditto, do.

Lieutenant Robert Craig, 3d do. do.

\* The editor has not met with these letters in the communications to the House of Representatives of Congress.

Cornet Daniel Torry, dragoons, 3d do. do.  
 Captain James Taylor, do. wounded.  
 Lieutenant Samuel Drake, 2d sub-legion, wounded.  
 Names of officers in the attack on Fort Recovery, who were  
 not wounded.

Captain Gibson,  
 Lieutenants Covington,  
 Dunn,  
 Michael,  
 Shanklin,  
 Ensigns Dangerfield,  
 Dold.

*Examination of two Putawatimes, captured by Captain Alexander Gibson, on the north side of the Miami of the Lake, on the 5th of June, 1794.*

*Query 1st, How long have you been from your nation?*

*Answer, Four days before our capture.*

*Query 2d, When did your nation receive the invitation from the British to join them, and go to war against the Americans?*

*Answer, On the first of the last moon. The message was sent by three chiefs, a Delaware, a Shawanoe, and a Miami.*

*Query 3d, What was the message brought by those Indian chiefs, and what number of British troops were at Roche de Bout on the 1st of May?*

*Answer, That the British sent them to invite the Putawatimes to go to war against the United States; that they, the British, were then at Roche de Bout, on their way to war against the Americans; that the number of British troops then there, was about four hundred, with two pieces of artillery, exclusive of the Detroit militia, and had made a fortification round Colonel M'Kee's house and stores at that place, in which they had deposited all their stores of ammunition, arms, and clothing, and provision, with which they promised to support all the hostile Indians in abundance, provided they would join, and go with them to war.*

*Query 4th, What tribes of Indians, and what were their numbers at Roche de Bout, on the 1. of May?*

*Answer, The Chipewas, Wyandots, Shawanoes, Tawas, Delawares, and Miamis. There were then collected about a thousand warriors, and were daily coming in and collecting from all those nations.*

*Query 5th*, What number of warriors do you suppose are actually collected at that place, at this time; and what number of British troops and militia have promised to join the Indians to fight this army?

*Answer*, By the latest and best information, and from our own knowledge of the number of warriors belonging to those nations, there cannot be less than two thousand warriors now assembled; and were the Putawatimes to join agreeably to invitation, the whole would amount to upwards of three thousand hostile Indians. But we do not think that more than fifty of the Putawatimes will go to war.

The British troops and militia that will join the Indians to go to war against the Americans, will amount to fifteen hundred, agreeably to the promise of Governor Simcoe.

*Query 6th*, At what time, and at what place, do the British and Indians mean to advance against this army?

*Answer*, About the last of this moon, or beginning of the next, they intend to attack the legion at this place. Governor Simcoe, the great man who lives at, or near Niagara, sent for the Putawatimes, and promised them arms, ammunition, provision, and clothing, and every thing they wanted, on condition that they would join him, and go to war against the Americans, and that he would command the whole.

He sent us the same message last winter; and again on the first of the last moon, from Roche de Bout. He also said he was much obliged to us for our past services; and that he would now help us to fight, and render us all the services in his power against the Americans.

All the speeches that we have received from him were *as red as blood*. All the wampum and feathers were painted red. The war pipes and hatchets were red; and even *the tobacco was painted red*.

We received four different invitations from Governor Simcoe, inviting the Putawatimes to join in the war. The last was on the first of last moon, when he promised to join us, with fifteen hundred of his warriors, as before-mentioned.

But we wish for peace, except a number of our foolish young men.

Examined and carefully reduced to writing, }  
at Greenville, this 7th of June, 1794. }

*Examination of two Shawanoe warriors, taken prisoners on the Miami of the Lake, twenty miles above Grand Glaize, on the 22d Instant, June.*

They say, that they left Grand Glaize five moons since. *i. e.* about the time that the Indians sent in a *flag* with propositions of peace; that they belonged to a party of twenty, who have been hunting all this spring on the waters of the Wabash, nearly opposite the mouth of Kentucky river, and were on their return when taken; that about half the party had gone on before them, and that the remainder were coming on slowly, and hunting as they came; that they had stolen about fifty horses from the inhabitants of Kentucky, on the Salt River, during this spring and summer; that they only killed one man, and took no prisoners; that the man was killed by a white interpreter belonging to the party, whose name is *Ridole*; (those two Indians had five horses loaded with deer and bear skins, and jerked venison); that on their way in, they met with a party consisting of four Indians, *i. e.* three Delawares, and one Putawatime, who were then on their way to the Big-bone Lick to steal horses; that this party informed them that all the Indians on the White River were sent for to come immediately to Grand Glaize, where the warriors of several nations were now assembled; that the chiefs were yet in council, and *would not let their warriors go out*; that they could not depend upon the BRITISH for effectual support; that they were always setting the Indians on, like dogs after game, pressing them to go to war, and kill the Americans, but did not help them; that unless the British would turn out and help them, they were determined to make peace; that they would not be any longer amused by promises on'y.

That the Shawanoes have three hundred and eighty warriors at, and in the vicinity of Grand Glaize; and generally can, and do bring into action about three hundred; their great men or sachems are, the *Black wolf*, and *Eakia-pi-la-thy*, or the *tame hawk*; their principal warriors are *Blue Jacket* and *Captain Johnny*; that the Delawares have, in and about Grand Glaize, four hundred and eighty warriors; that they actually had four hundred in the action against General St Clair; that the Miamis are at present but about one hundred warriors, who live near Grand Glaize, several of them having moved towards Port Vincennes and the Mississippi; that the Wyandots never send into action more than about an hundred and fifty warriors; they live along the lake towards Sandusky; that they do not know the number of the Putawatimes, nor the number of the other Indians or nations that would actually

join in a war, should they determine to continue it; that the Chipewas would be the most numerous, and were generally on the way to the council; but that war or peace depended upon the conduct of the British. If they would help them, it would probably be war; but if they would not, it would be peace. That the Indians would no longer be fet on like dogs by themselves, unless the British would help them to fight; that the British were at the foot of the rapids, and had fortified at Roche de Bout; that there were a great number of British soldiers at that place; that they told the Indians they were now come to help them to fight, and if the Indians would generally turn out and join them, they would advance and fight the American army; that Blue Jacket had been sent by the British to the Chipewas, and Northern Indians, a considerable time since, to invite them, and bring them to Roche de Bout, there to join the British and other hostile Indians in order to go to war.

I do certify that the foregoing is an exact and true narrative, delivered by the two Shawanoe warriors, prisoners, upon examination before me, at Greeneville, through my interpreter, Christopher Miller, this 26th day of June, 1794.

*Head Quarters, Grand Glaize, August 14.*

SIR,

I HAVE the honour to inform you, that the army under my command took possession of this very important post on the morning of the 8th inst. the enemy on the preceding evening having abandoned all their settlements, towns, and villages, with such apparent marks of surprise and precipitation as to amount to a positive proof that our approach was not discovered by them until the arrival of a Mr. Newman of the Quarter-Master General's department, who deserted from the army near the St. Mary's, and gave them every information in his power, as to our force, the object of our destination, state of provisions, number and size of the artillery, &c. &c.; circumstances and facts that he had but too good an opportunity of knowing, from acting as a field quarter master on the march, and at the moment of his desertion. Hence, I have good grounds to conclude, that the defection of this villain prevented the enemy from receiving a fatal blow at this place, when least expected\*.

\* This man having called at the War Office, on his way from Niagara to Kentucky, as he said, a few days previous to the receipt of this letter, immediately on the arrival thereof, information respecting him was transmitted



I had made such demonstrations for a length of time previously to taking up our line of march, as to induce the savages to expect our advance by the rout of the Miami villages to the left, or towards Roche de Bout by the right, which feints appear to have produced the desired effect, by drawing the attention of the enemy to those points, and gave an opening for the army to approach undiscovered by a devious route, *i. e.* in a central direction, and which would be impracticable for an army, except in a dry season, such as then presented.

Thus, Sir, we have gained possession of the grand emporium of the hostile Indians of the West, without loss of blood. The very extensive and highly cultivated fields and gardens, shew the work of many hands. The margins of those beautiful rivers, the Miamis of the lake and Au Glaize, appear like one continued village for a number of miles both above and below this place, nor have I ever beheld such immense fields of corn in any part of America from Canada to Florida.

We are now employed in completing a strong stockade fort, with four good block houses by way of bastions, at the confluence of Au Glaize and the Miamis, which I have called **DEFIANCE**, and another fort was also erected on the bank of St. Mary's, twenty-four miles advanced of Recovery, which was named **ADAMS**, and endowed with provision and a proper garrison.

Every thing is now prepared for a forward move to-morrow morning towards Roche de Bout, or Fort of the Rapids, where the British have a regular fortification, well supplied with artillery, and strongly garrisoned, in the vicinity of which, the fate of the campaign will probably be decided, as from the best and most recent intelligence, the enemy are there collected in force, and joined by the militia of Detroit, &c. &c. possessed of ground very unfavourable for cavalry to act in; yet notwithstanding this unfavourable intelligence, and unpleasant circumstance of ground, I do not despair of success from the spirit and ardor of the troops, from the generals down to the privates, both of the legion and mounted volunteers.

Yet I have thought proper to offer the enemy a last overture of peace, and as they have every thing that is dear and interesting now at stake, I have reason to expect that they will listen to the proposition mentioned in the inclosed copy of an address, dispatched yesterday by a special flag, who I sent

mitted to Pittsburgh, with directions to apprehend and secure him. He has been accordingly taken, is now secured at that place, and ordered to be sent down the Ohio to head quarters.

under

under circumstances that will ensure his safe return, and which may eventually spare the effusion of much human blood.

But should war be their choice, that blood be upon their own heads! America shall no longer be insulted with impunity. To an all powerful and just God, I therefore commit myself and gallant army, and have the honour to be, with every consideration of respect and esteem,

your most obedient,

and very humble servant,

ANTHONY WAYNE.

*The Hon. Major-Gen. H. Knox,  
Secretary of War.*

*To the Delawares, Shawanese, Miamis, and Wyandots, and to each and every of them, and to all other Nations of Indians Northwest of the Ohio, whom it may concern :*

I, ANTHONY WAYNE, Major-General, and Commander in Chief of the Federal army now at Grand Glaize, and commissioner plenipotentiary of the United States of America, for settling the terms upon which a permanent and lasting peace shall be made with each and every of the hostile tribes or nations of Indians northwest of the Ohio, and of the said United States; actuated by the purest principles of humanity, and urged by pity for the errors into which bad and designing men have led you, from the head of the army now in possession of your abandoned villages and settlements, do hereby once more extend the friendly hand of peace towards you, and invite each and every of the hostile tribes of Indians to appoint deputies to meet me and my army without delay, between this place and Roche de Bout, in order to settle the preliminaries of a lasting peace, which may eventually and soon restore you, the Delawares, Miamis, Shawanese, and all other tribes and nations lately settled at this place, and on the margins of the Miami and Auglaize rivers to your late grounds and possessions; and preserve you and your distressed and helpless women and children from danger and famine, during the present fall and ensuing winter.

The arm of the United States is strong and powerful, but they love mercy and kindness more than war and desolation; and to remove any doubts or apprehensions of danger, to the persons of the deputies whom you may appoint to meet this army, I hereby pledge my sacred honor for their safety and return: and send Christopher Miller, an adopted Shawanoe, and

and a Shawanoe warrior, whom I took prisoner two days ago, as a flag, who will advance in their front to meet me.

Mr. Miller was taken prisoner by a party of my warriors six moons since, and can testify to you the kindness I have shewn to your people, my prisoners, that is, five warriors and two women, who are now all safe and well at Greenville.

But should this invitation be disregarded and my flag Mr. Miller, be detained or injured, I will immediately order all those prisoners to be put to death, without distinction, and some of them are known to belong to the first families of your nations.

Brothers, be no longer deceived or led astray by the false promises and language of the bad white men at the foot of the Rapids. They have neither the power nor the inclination to protect you. No longer shut your eyes to your true interest and happiness, nor your ears to this last overture of peace; but in pity to your innocent women and children come and prevent the further effusion of your blood; let them experience the kindness and friendship of the United States of America, and the invaluable blessings of peace and tranquillity.

(Signed)

Grand Glaize, }  
13th August, 1794. }

ANTHONY WAYNE.

*Head Quarters, Grand Glaize, Aug. 28.*

SIR,

It is with infinite pleasure that I now announce to you the brilliant success of the Federal army under my command in a general action with the combined forces of the hostile Indians, and a considerable number of the volunteers and militia of Detroit on the 20th instant on the banks of the Miamis, in the vicinity of the British post and garrison at the foot of the rapids.

The army advanced from this place on the 15th, and arrived at Roche de Bout on the 18th, and the 19th we were employed in making a temporary post for the reception of our stores and baggage, and in reconnoitring the position of the enemy who were encamped behind a thick bushy wood and the British fort.

At 8 o'clock on the morning of the 20th, the army again advanced in columns agreeably to the standing order of march, the legion on the right, its right flank covered by the Miamis; one brigade of mounted volunteers on the left under Brigadier Gen. Todd, and the other in the rear under Brigadier Gen.

Barbee.

Barbee. A select battalion of mounted volunteers moved in front of the legion commanded by Major Price, who was directed to keep sufficiently advanced, was to give timely notice for the troops to form in case of action, it being yet undetermined whether the Indians would decide for peace or war.

After advancing about five miles, Major Price's corps received so severe a fire from the enemy who were secreted in the woods and high grass as to compel them to retreat.

The legion was immediately formed in two lines principally in a close thick wood which extended for miles on our left, and for a very considerable distance in front, the ground being covered with old fallen timber probably occasioned by a tornado, which rendered it impracticable for the cavalry to act with effect, and afforded the enemy the most favorable covert for their mode of warfare: the savages were formed in three lines within supporting distance from each other, and extending for near two miles at right angles with the river. I soon discovered from the weight of the fire and extent of their lines that the enemy were in full force in front, in possession of their favourite ground, and endeavouring to turn our left flank, I therefore gave orders for the second line to advance to support the first, and directed Major-Gen. Scott to gain and turn the right flank of the savages with the whole of the mounted volunteers by a circuitous route, at the same time I ordered the front line to advance and charge with trailed arms, and rouse the Indians from their coverts at the point of the bayonets, and when up to deliver a close and well directed fire, on their backs, followed by a brisk charge so as not to give them time to load again.

I also ordered Captain Mis Campbell who commanded the legionary cavalry to turn the left flank of the enemy next the river and which afforded a favourable field for that corps to act in; all those orders were obeyed with spirit and promptitude, but such was the impetuosity of the charge by the first line of infantry that the Indians and Canadian militia and volunteers were drove from all their coverts, in so short a time, that although every possible exertion was used by the officers of the second line of the legion, and by Generals Scott, Tod, and Barbee of the mounted volunteers to gain their proper position, no part of each could get up in season to participate in the action, the enemy being drove in the course of one hour more than two miles, through the thick wood already mentioned by less than one half their number.

From every account the enemy amounted to two thousand combatants, the troops actually engaged against them were short

short of nine hundred. This horde of savages with their allies, abandoned themselves to flight and dispersed with terror and dismay leaving our victorious army in full and quiet possession of the field of battle, which terminated under the influence of the guns of the British garrison, as you will observe by the inclosed correspondence between Major Campbell, the commandant and myself upon the occasion.

The bravery and conduct of every officer belonging to the army from the Generals down to the Ensigns, merit my highest approbation.

There were, however, some whose rank and situation placed their conduct in a very conspicuous point of view, and which I observed with pleasure and the most lively gratitude; among whom I must beg leave to mention Brigadier-General Wilkinfon and Colonel Hamtramck, the commandants of the right and left wings of the legion, whose brave example inspired the troops. To those I must add the names of my faithful and gallant aids de camp Captains De Butts and Thomas Lewis, and Lieut. Harrison, who with the Adjutant General Major Mills rendered the most essential service, by communicating my orders in every direction and by their conduct and bravery exciting the troops to press for victory.

Lieut. Covington upon whom the command of the cavalry now devolved cut down two savages with his own hand, Lieut. Webb one in turning the enemy's left flank.

The wounds received by Captains Slough and Prior, and Lieut. Campbell Smith, an extra aid de camp to General Wilkinfon of the legionary infantry, and Captain Van Renselaer of the dragoons, Captain Rawlins, Lieut. McKenny and Ensign Duncan, of the mounted volunteers, bear honourable testimony of their bravery and conduct.

Captains Howell, Lewis, and Brock, with their companies of light infantry had to sustain an unequal fire for some time, which they supported with fortitude; in fact every officer and soldier who had an opportunity to come into action displayed that true bravery which will always insure success; and here permit me to declare that I never discovered more true spirit and anxiety for action than appeared to pervade the whole of the mounted volunteers, and I am well persuaded, that had the enemy maintained their favorite ground for one half hour longer they would have most severely felt the prowess of that corps.

But whilst I pay this just tribute to the living I must not neglect the gallant dead, among whom we have to lament the early death of those worthy and brave officers Capt. M<sup>r</sup> Campbell

Campbell of the dragoons and Lieut. Towles of the light infantry of the legion, who fell in the first charge.

Inclosed is a particular return of the killed and wounded. The loss of the enemy was more than double to that of the federal army; the woods were strewed for a considerable distance with dead bodies of Indians and their white auxiliaries, the latter armed with British muskets and bayonets.

We remained three days and nights on the banks of the Miamis, in front of the field of battle; during which time all the houses and corn fields were consumed and destroyed for a considerable distance both above and below Fort Miamis, as well as within pistol shot of that garrison, who were compelled to remain tacit spectators to this general devastation and conflagration, among which were, the houses, stores, and property of Col. M'Kee, the British Indian agent and principal stimulator of the war now existing between the United States and the Savages.

The army returned to this place on the 27th by easy marches, laying waste the villages, and cornfields for about fifty miles on each side of the Miamis: there remains yet a number of villages and a great quantity of corn to be consumed or destroyed upon Auglaize and the Miamis, above this place, which will be effected in the course of a few days.

In the interim we shall improve Fort Defiance, and as soon as the escort returns with the necessary supplies from Greenville and Fort Recovery, the army will proceed to the Miamis villages, in order to accomplish the object of the campaign.

It is however not improbable that the enemy may make one desperate effort against the army, as it is said that a re-inforcement was hourly expected at Fort Miamis from Niagara, as well as numerous tribes of Indians living on the margins and islands of the lakes.

This is a business rather to be wished for than dreaded; whilst the army remains in force, their numbers will only tend to confuse the savages, and the victory will be more complete and decisive, and which may eventually insure a permanent and happy peace.

Under those impressions, I have the honor to be,

Your most obedient,

and very humble servant,

ANTHONY WAYNE.

N. B. I had forgot to mention that I met my flag on the 16th, who was returning with an evasive answer, in order to gain time for the arrival of the reinforcement mentioned by the

the Shawanoe Indians, and which actually did arrive two days before the action.

*The Hon. Major-General H. Knox,*  
*Secretary of War.*

Return of the killed, wounded, and missing, of the Federal army, commanded by Major-General Wayne, in the action of the 20th August, 1794.

*Squadron of Dragoons*: Killed, 1 captain, 1 serjeant, 1 private.—Wounded, 1 captain, 3 privates.

*Artillery*: Wounded, 1 private.

*First sub-legion*: Killed, 1 private.—Wounded, 1 captain, 1 serjeant, 9 privates.

*Second sub-legion*: Killed, 2 privates.—Wounded, 6 privates.

*Third sub-legion*: Killed, 1 serjeant, 6 privates.—Wounded, 1 serjeant, 2 corporals, 2 musicians, 27 privates.

*Fourth sub-legion*: Killed, 1 lieutenant, 1 serjeant, 11 privates; Wounded, 1 captain, 1 lieutenant, 2 serjeants, 1 corporal, 23 privates.

*Kentucky volunteers*: Killed, 7 privates.—Wounded, 1 captain, 1 lieutenant, 1 ensign, 10 privates.

*Total*: Killed, 1 captain, 1 lieutenant, 3 serjeants, 28 privates.—Wounded, 4 captains, 2 lieutenants, 1 ensign, 4 serjeants, 3 corporals, 2 musicians, 84 privates.

*Names of Officers Killed.*

Captain Robert Mis Campbell of dragoons.

Lieutenant Henry B. Towles, 4th sub-legion.

*Names of Officers Wounded.*

Captain Solomon Van Renselaer of dragoons.

Captain Abner Prior, 1st sub-legion.

Captain Jacob Slough, 4th sub-legion.

Lieutenant Campbell Smith, 4th sub-legion, acting as an extra aid to Brigadier Gen. Wilkinson.

Captain Rawlins, Lieutenant McKenny, and Ensign Duncan of the Kentucky volunteers.

(Signed)

JOHN MILLS,  
Major of Infantry, and  
Adjutant General.

No.

## No. 1.

SIR,

AN army of the United States of America, said to be under your command, having taken post on the banks of Miamis, for upwards of the last twenty-four hours, almost within the reach of the guns of this fort, being a post belonging to his majesty the king of Great Britain, occupied by his majesty's troops, and which I have the honour to command, it becomes me to inform myself, as speedily as possible, in what light I am to view your making such near approaches to this garrison.

I have no hesitation on my part to say, that I know of no war existing between Great Britain and America.

I have the honour to be, Sir, with great respect,

Your most obedient,

And very humble servant,

(Signed)

WILLIAM CAMPBELL,

Major 24th Regt. commanding a British  
post on the banks of the Miamis.

Miamis River, Aug. 21. 1794.

*To Major General Wayne, &c. &c. &c.*

## No. 2.

SIR,

I HAVE received your letter of this date, requiring from me the motives which have moved the army under my command to the position they at present occupy, far within the acknowledged jurisdiction of the United States of America.

Without questioning the authority, or the propriety, Sir, of your interrogatory, I think I may, without breach of decorum, observe to you, that were you entitled to an answer, the most full and satisfactory one was announced to you from the muzzles of my small arms yesterday morning, in the action against the hordes of savages in the vicinity of your post; which terminated gloriously to the American arms; but, had it continued until the Indians, &c. were drove under the influence of the post and guns you mention, they would not have much impeded the progress of the



# APPENDIX.

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the victorious army under my command; as no such post was established at the commencement of the present war between the Indians and the United States.

I have the honour to be, Sir, with great respect,

Your most obedient,

And very humble servant,

(Signed)

ANTHONY WAYNE,  
Major General, and Commander  
in Chief of the Federal army.

Camp on the Bank of the Miamis,  
21st August, 1794.

*To Major William Campbell, &c. &c.*

No. 3.

S I R,

ALTHOUGH your letter of yesterday's date fully authorises me to any act of hostility against the arms of the United States of America in this neighbourhood, under your command, yet, still anxious to prevent that dreadful decision, which perhaps is not intended to be appealed to by either of our countries, I have forborne for these two days to resent those insults which you have offered to the British flag, flying at this fort, by approaching it within pistol shot of my works, not only singly, but in numbers with arms in their hands.

Neither is it my wish to wage war with individuals; but should you, after this, continue to approach my post in the threatening manner you are at this moment doing, my indispensable duty to my king and country, and the honour of my profession, will oblige me to have recourse to those measures, which thousands of either nation may hereafter have cause to regret, and which I solemnly appeal to God I have used my utmost endeavours to arrest.

I have the honour to be, Sir, with much respect,

Your most obedient,

And very humble servant,

(Signed)

WILLIAM CAMPBELL,  
Major 24th Reg. commanding  
at Fort Miamis.

Fort Miamis, August 22, 1794.

*Major General Wayne, &c. &c. &c.*

P

[N.]

[No other notice was taken of this letter than what is expressed in the following letter. The fort and works were however reconnoitered in every direction, at some points possibly within pistol shot. It was found to be a regular strong work, the front covered by a wide river, with four guns mounted on that face. The rear, which was the most susceptible of approach, had two regular bastions furnished with eight pieces of artillery, the whole surrounded by a wide, deep ditch, with horizontal pickets projecting from the burn of the parapet over the ditch. From the bottom of the ditch to the top of the parapet, was about twenty feet perpendicular. The works were also surrounded by an abbattis, and furnished with a strong garrison.]

No. 4.

*Camp, Banks of the Miamis, August 22.*

S I R,

IN your letter of the 21st instant, you declare, "I have no hesitation on my part to say, that I know of no war existing between Great Britain and America."

I, on my part, declare the same, and that the only cause I have to entertain a contrary idea at present is, the hostile act you are now in commission of, i. e. by recently taking post far within the well known and acknowledged limits of the United States, and erecting a fortification in the heart of the settlements of the Indian tribes, now at war with the United States.

This, Sir, appears to be an act of the highest aggression, and destructive to the peace and interest of the Union; hence it becomes my duty to desire, and I do hereby desire and demand, in the name of the President of the United States, that you immediately desist from any act of hostility or aggression, by forbearing to fortify, and by withdrawing the troops, artillery, and stores under your orders and direction, forthwith, and removing to the nearest post occupied by his Britannic majesty's troops at the peace of 1783, and which you will be permitted to do unmolested by the troops under my command.

I am, with very great respect, Sir,

Your most obedient,

And very humble servant,

(Signed)

ANTHONY WAYNE.

*Major William Campbell, &c. &c. &c.*

No.

No. 5.

S I R,

I HAVE this moment the honour to acknowledge the receipt of your letter of this date ; in answer to which, I have only to say, that being placed here in the command of a British post, and acting in a military capacity only, I cannot enter into any discussion, either on the right or impropriety of my occupying my present position ; those are matters that I conceive will be left to the ambassadors of our different nations.

Having said thus much, permit me to inform you, that I certainly will not abandon this post at the summons of any power whatever, until I receive orders to that purpose from those I have the honor to serve under, or the fortune of war should oblige me.

I must still adhere, Sir, to the purport of my letter of this morning, to desire that your army, or individuals belonging to it, will not approach within reach of my cannon, without expecting the consequences attending it.

Although I have said in the former part of my letter that my situation here is totally military, yet let me add, Sir, that I am much deceived if his majesty, the king of Great Britain, had not a post on this river at and prior to the period you mention.

I have the honour to be, Sir, with the greatest respect,

Your most obedient,

And very humble servant,

(Signed)

WILLIAM CAMPBELL,  
Major 24th Regt. commanding at  
Fort Miamis.

Fort Miamis, Aug. 22d, 1794.

*To Major General Wayne, &c. &c. &c.*

[The only notice taken of this letter was the immediately setting fire to, and destroying every thing within view of the fort, and even under the muzzles of the guns. Had Mr. Campbell carried his threats into execution, it is more than probable he would have experienced a storm.]

*Examination of a Shawanoe prisoner, taken by Captain Wells on the evening of the 11th August, 1794, near the foot of the Rapids.*

*Query,* When did the Indians receive information of the advance of the army?

*Answer,* The first information was from a white man, who came in of his own accord about ten days since.

*Query,* Where are the Indians at this time?

*Answer,* At Colonel M'Kee's.

*Query,* Where are the British, and what are their numbers?

*Answer,* In a fort about one mile below Colonel M'Kee's, on the north side of the river, situate on a hill or bank close by the margin, where there are about 200 men; they are now at the fort.

*Query,* What number of great guns have they in the fort?

*Answer,* Four or five.

*Query,* What number of warriors are at M'Kee's, and what nations do they belong to?

*Answer,* There are 600 who abandoned this place on the approach of the army.

Shawanocs about	200 but not more.
Delawares	300
Miamias	100
Warriors of other tribes	100

---

700 Total.

*Query,* What number are expected to assemble in addition to those at the foot of the Rapids?

<i>Answer,</i> In all about 400 men; Wyandots	300
Tawas	240

---

540

*Query,* What number of white men are to join, and when?

*Answer,* Mr. or Captain Elliot set out for Detroit six days since, and was to be back as yesterday with all the militia, and an additional number of regular troops, which with those already there, would amount to 1000 men; this is the general conversation among the Indians, and Captain Elliot promised to bring that number; Colonel M'Kee's son went with Elliot, as also the man who deserted from the army on its march.

*Query,* When and where do the Indians mean to fight this army?

*Answer,* At the foot of the Rapids; the white man who came in told the Indians and Colonel M'Kee that the army was destined for that place.

August

August 28.

*Examination of Antoine Lassel, a native of Canada, and a volunteer in Captain Caldwell's company of Refugees, friends and allies of the hostile Indians, captured in the action of the 20th instant.*

Who says, that he has resided for 29 years in Upper Canada, 21 of which he has passed at Detroit and on this river; and that he has constantly traded with the Indians all that time; that he resided at the Miami villages for 19 years before Harmer's expedition, when he kept a store at that place, and used to supply other traders with goods; that he has since lived chiefly at Bean Creek or Little Glaize, at the Little Turtle's town.

That having lived so long among the hostile Indians, he is perfectly acquainted with the tribes and numbers.

That the Delawares have about 500 men, including those who live on both rivers, the White River and Bean Creek; that the Miamis are about 200 warriors; part of them live on the St. Joseph's, eight leagues from this place; that the men were all in the action, but that the women are yet at that place, or Picquet's village; that a road leads from this place directly to it; that the number of warriors belonging to that place when all together amounts to about 40.

That the Shawanoes have about 300 warriors.

That the Tawas on this river are 250.

That the Wyandots are about 300.

That these Indians were generally in the action of the 20th instant, except some hunting parties.

That a reinforcement of regular troops, and 200 militia, arrived at Fort Miamis a few days before the army appeared; that the regular troops in the fort amounted to 250, exclusive of the militia.

That about 70 of the militia, including Captain Caldwell's corps, were in the action. That Col. M'Kee, Capt. Elliot, and Simon Girty were in the field, but at a respectable distance, and near the river.

That Colonel M'Kee's existence now depends upon the exertions he can make to retrieve the loss and disgrace of the Indians; that he will use every influence and means in his power to raise the distant nations to come forward immediately, and assist in the war.

That should they not be able to collect in force sufficient to fight this army, their intention is to move on the Spanish side of the Mississippi, where part of their nations now live; that Blue Jacket told him, Lassel, that he intended to move immediately to Chicago, on the Illinois.

*Examination of John Bevin, a drummer in the 24th British Regiment, commanded by Colonel England.*

Who says, that there are now four companies of the 24th, at Fort Miamis, averaging about 50 men, non-commissioned officers and privates included; that there were part of Governor Simcoe's corps in the garrison, together with about 60 Canadians; that the whole number of men actually in the garrison, including officers, &c. exceeded 400. That the number of Indians, Canadians, &c. in the action were at least 2000, according to the report made by Colonel M'Kee and Captain Elliot to Major Campbell after the action, who declared in his presence, that there were actually that number engaged; that there were four nine pounders, two large howitzers, and six six-pounders mounted in the fort, and two swivels, and well supplied with ammunition; that the Indians were regularly supplied with provisions drawn from the British magazine in the garrison, by Col. M'Kee. That a deserter from the American army arrived at the fort about eight days before the army made its appearance, who gave information to Major Campbell, that the object of the Americans was to take that post and garrison; that General Wayne told the troops not to be uneasy about provisions, that there were plenty in the British garrison; that Governor Simcoe was expected at that place every hour, in consequence of an express sent to Niagara after the arrival of the deserter, but had not arrived when he came away; that the distance from Fort Miamis to Detroit is 60 miles, which is generally performed in two days.

That the militia of Detroit and its vicinity amounts to near 2000; that a Colonel Baubee commands them; that M'Kee is also a colonel of militia; that a Lieutenant Silve of the 5th British regiment is in the Indian department, and acts as secretary to Colonel M'Kee; that a Captain Bumbary of the same regiment is also in the Indian department; that he saw a great number of wounded Indians pass the fort, but did not learn what number was killed; that the retiring Indians appeared much dejected and much altered, to what they were in the morning before the action; that he knew of one company of volunteers, commanded by a Captain Caldwell, all white men, and armed with British muskets and bayonets, who were in the action.

*James*

*James Neill's information to the Secretary of War, taken on the 21st of October, 1794.*

James Neill, a pack-horse man in the service of Elliot and Williams, aged about seventeen years, and belonging to Beard's town in Kentucky, was in the action of the 30th of June, at Fort Recovery, and taken prisoner by the Indians, together with Peter Keil, and another by the name of Cherry, all three pack-horse men.

After he was taken prisoner, he was carried to the British fort at the Miami, where, however, he was not permitted to be seen by the British, as the Indians wanted to carry him to their own town. Thence he was taken to Detroit, and thence to Michellamackinac, where a British officer bought him, who sent him to Detroit, to Colonel England, who treated them well\*, and sent them to Niagara, at which place Peter Keil, being an Irishman, enlisted in the Queen's Rangers.

Neill understood that there were of Indians and whites, fifteen hundred in the attack of Fort Recovery. He himself did not see the whole, but he saw upwards of seven hundred.

He understood they lost a great many in killed and wounded. He himself saw about twenty dead carried off, and many wounded, while he was tied to the stump of a tree, about half a mile distant from the firing.

The Indians, on their return to the Miami Fort, asserted that no enemy ever fought better than the people at Fort Recovery, and Neill was told by Captain Doyle at Michellamackinac, that the Indians lost two to one that they lost at St. Clair's defeat.

Neill was taken by the Shawanese, and made a present of to the Ottawas, who live near the fort at Michellamackinac.

Neill was at Detroit, when the news arrived of General Wayne's action with the Indians, the 20th August. He received the information from one John Johnson, who had been a deserter from General Wayne's army, and then was a militiaman of Detroit, and in the action against General Wayne. He spoke of the affair as a complete defeat; that the Indians lost a great many, but he could not tell how many. He says the Indians, upon being defeated, wanted to take refuge in the

\* This sentence is printed verbatim, as it stands in the manuscript transmitted to the House of Representatives of Congress.

British Fort; that they were denied, which greatly exasperated them.

The militia of Detroit were again ordered out, and *several Captains put in the Guard-house for refusing*. He understood the militia men were *forced on board of vessels*, and sent to Roche de Bout.

Upon his arrival at Niagara, he understood that most of the troops were ordered to reinforce the garrison at the Miami river, but Governor Sincoe did not go.

Neill says that it was generally said there were only seven hundred Indians at General St. Clair's defeat.

*Copy of a Letter from* CONSTANT FREEMAN, *Agent for the Department of War in Georgia, to the Secretary of War.*

FORT FIDIUS, 29th September, 1794.

SIR,

I HAVE the pleasure to inform you that the post opposite to us, on the South side of the Oconee, has been taken and destroyed by the militia; and that General Clark and his adherents have been removed.

Soon after the Governor's proclamation was issued against General Clark, he delivered himself up to the superior court in the county of Wilkes, who dismissed him, because it was their opinion that he had not violated the laws of this State. This decision greatly encouraged his party, and the settlements were pushed with vigour. The measure had also become very popular, and it was believed by him and his adherents, that the militia would never march against them. Under these flattering circumstances, his works were completed. Houses were erected within his forts. A town was laid off at Fort Advance, the post opposite to us. General Clark was chosen Major general, and placed at the head of the enterprise. The members were elected for the general committee, or committee of safety, and every thing bore the appearance of a permanent settlement. I enclose you a copy of the letter written by General Clark on this occasion\*, which has been furnished me by Colonel Melton.

On the third instant, Lieutenant Devereaux of Fauche's Dragoons, stopt a waggon, said to be loaded with military stores for Fort Advance; but as nothing was found, it was

\* The letter above referred to is that inserted in this appendix, next after the copy of a petition, at the end of the present article.

dismissed.



dismissed. About this time the Governor received his orders from the President of the United States. His Excellency directed one third of the militia to hold themselves in readiness to march. In the mean time, he sent Generals Twiggs and Irwin to General Clark, to induce him to remove. These officers visited him at his post; and General Gunn and Mr. Carnes had an interview with him at Georgetown, thirty miles from hence, but without effect.

General Twiggs had ordered Major Adams to cross the river and endeavour by persuasion to remove the settlers from Fort Defiance, six miles above. His life was threatened, and the person who commanded, ordered his men to fire upon him. This exasperated the inhabitants in that neighbourhood, who held a meeting, the result of which was, that Major Adams should proceed to Augusta, and request the Governor to give him orders to dispossess these people.

On the twenty-third, a Cornet and eighteen men of Fauche's Dragoons came to this post, and near it took a prisoner, one of General Clark's Lieutenants. The same day, a lieutenant and twenty men joined, took two prisoners and occupied the landing opposite to Fort Advance; and as far as their force would admit, cut off the supplies. On the twenty-fifth, Captain Fauche joined with another detachment of his his corps, and two prisoners. General Clark made every exertion to strengthen his post. Some of those above were abandoned, and the garrison removed to Fort Advance.

General Irwin had collected a party of militia, and lay at Town Creek, nine miles from hence. On the twenty-sixth, he encamped on the bank opposite to Fort Advance. Colonels Melton and Lamar, Major Adams and other officers of the militia, crossed the same day, with one hundred and thirty men, and cut off the communication on the south side of the river. General Irwin promised General Clark that if he would evacuate the post, himself and his men should be protected in their persons and property. Accordingly, next morning, the baggage was removed, and in the evening a party of the militia took possession of the works. Yesterday morning, the fort was set on fire and destroyed, and parties were detached to demolish Fort Defiance and the other posts above. There have been no lives lost in this business. The prisoners are all set at liberty, except one, who is detained in our guard-house until farther orders.

I never could, Sir, ascertain with any precision the number of men who have joined General Clark in his enterprise. There have a great many enrolled themselves who would not appear  
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on the present occasion. The greatest force that has at any time been collected at Fort Advance, was on the morning of the twenty sixth, when there were about eighty men within the fort; but at the time it was taken there were not twenty.

The militia have shown great zeal to support the laws, and have preserved good order and conduct. There has been the greatest harmony between them and the Federal troops. They all returned to their homes yesterday, and were mustered before they left this place. I suppose there have been about two hundred exclusively of Fauche's dragoons. As soon as I receive the rolls I shall transmit them.

It is of consequence that I should, Sir, inform you that settling the lands on the South side of the Oconee is a favourite object with the inhabitants of the upper counties, although General Clark's plan has not been approved.

They would conceive themselves safe from Indian depredations were these lands occupied; and exertions will be made to induce the Assembly, at their next session, to open a land office for that purpose. I enclose you the copy of a petition which has been offered to the inhabitants in this neighbourhood. It is to be observed that it has been drawn up by the party the most violently opposed to General Clark.

It is a singular circumstance, Sir, that not the least opposition, has been shewn by the Indians to the settlements which were making on their lands, otherwise than by representations to the Governor, and they have at no time been more quiet than they are at present. We have not heard from the nation since the fourth ultimo. Colonel Gaither proposes, as soon as he can procure a proper person, to send a message to the Indians to inform them that the government has removed all encroachments from their lands.

I have the honour to be, &c. &c.

(Signed.)

CONSTANT FREEMAN.

*Copy of a Petition for opening an Office for the Lands South of the Oconee, which is to be presented to the Legislature of Georgia.*

To the Honourable Senate and House of Representatives  
of the state of Georgia.

YOUR Petitioners humbly sheweth. Whereas the state has an only right of soil to the vacant territory granted the Indians for their hunting grounds, who dwells within its respective limits, and who as a conquered people preserved  
merely

merely to themselves the claim of vassals, at the definitive treaty of peace concluded between the United States of America and Britain, &c. and that said claim, through cruel outrages, has frequently been broke by the most aggravating hostile proceedings on their part; and that our government by a law entitled, "An act to suppress the violence of the Indians," passed in 1787, has guaranteed certain bounties to soldiery raised for the purpose of repelling the dangers of such unwarrantable doings of said savages, together with other reasons which is too tedious to be described here, which we humbly conceive justice and policy loudly call on you seriously to consider, and actuated by the high sense generally entertained of the magnanimity and wisdom of the honourable the Legislature, and from a mature consideration become sensible of the grand benefit an enlargement would speedily render to the state from the rapidness of migration of substantial farmers from our sister states and Europe, that stands in need of farms. Your petitioners humbly solicit that you, in your wisdom, may open an office for the land lying south-east of a line drawn from the Currakee mountain the nearest direction to the Chataouchee river, thence down the said river until it intersects the Spanish line, thence with the said line to the temporary line on St. Mary's river.

And your Petitioners, as in duty bound, will ever pray, &c. &c.

*Copy of a Letter from GENERAL CLARK, to the Committee of Safety.*

FORT ADVANCE, 5th September, 1794.

GENTLEMEN,

YOUR favour of the 3d instant is now before me. Accept my thanks for your information and attention to what may, if ever neglected, so materially injure our enterprise. I consider myself honoured by meeting with the unanimous voice of all the officers belonging to the different garrisons. I shall always endeavour to acquit myself worthy of the command committed to my charge. The information you have received agrees with mine from Augusta. The artillery of Augusta are ordered to be in readiness to march in eight or ten days, and one third of the militia are directed to be drafted. It has been tried in Burke and Richmond counties, but quite unsuccessful. The troops declare they will not fight against us. I am happy to find the disposition of the people with you so exactly agrees with my own friends here. I believe

lieve it to be the general disposition of every garrison. I am determinately fixed to risk every thing with my life upon the issue; and for the success of the enterprise, you will apply to the inclosed orders how to conduct yourselves with inimical individuals. In case of a body appearing, you will give me the earliest information. If you are summoned to surrender in the garrison, you must refuse with a firmness ever accompanying the brave. Inform those who apply, if you have done wrong, and the grand jury of the county have cognizance of your crime, you will cheerfully submit to be tried by a jury of your fellow citizens. But you consider any orders from the Secretary of War to be unconstitutional, the Governor's proclamation, as determined in Wilkes, illegal. I am informed that Captain Fauche's troop are directed to stop men and supplies crossing to the south side of the Oconee. They have no right to take hold of any private property whatever, and for every thing detained to the value of one shilling belonging to any adventurer, they shall suffer the penalty of the law. If such case should turn up, apply to a magistrate, and bind the party offending to the next superior court. To avoid disputes, it will be best to use a prudent precaution in every case. The president of the board of officers, E. Bradley, Esquire, mentions my appointing a meeting of the committee of safety, on Monday, the fifth of October. If it is the first Monday of the month, that is the day on which our constitution requires them to meet. If two members meet, they may adjourn from day to day, until the whole or a majority of them can be convened. It is entirely out of my power to appoint the 22d of this month, or any other day, if it does not agree with the constitution. You will attend to appointing your members for the committee, on the 15th of this month, at the several garrisons. Meet the first Monday in next month, but in case of the election, as mentioned, the members who cannot attend on Monday, meet on Tuesday or Wednesday, that is, those who first meet must adjourn from day to day, until they are convened. Must beg you to copy orders, and send them to the several garrisons above you.

Your's, &c.

(Signed.)

E. CLARKE.

Note. You receive one petition which will suit every body, but a real tory. Our own people and particular friends will subscribe them with the addition of the office being opened to no persons but those who will become settlers.

*Copy*

*Copy of a Letter from CONSTANT FREEMAN, agent for the Department of War, in Georgia to the Secretary of War, dated*

AUGUSTA, 12th October, 1794.

SIR,

I HAVE have the honour to inclose a duplicate of my letter to you of the twenty ninth of last month.

I arrived at this place from Fidius last evening. When I left the frontiers, the troops were in perfect health, excepting Colonel Gaither, who was then indisposed.

The Indians who had been for some time quiet, killed and scalped on the 30th ultimo, a white woman and a negro wench, near the Cow-ford, on the Oconee. They also have stolen horses and negroes from Liberty county. Colonel Gaither has received letters from the nation informing him that the Taliffee king had gone out for war. The chiefs disapproved of his conduct. We have not, however, heard of any mischief being done by him; and as runners were sent after him to persuade him to return, I have hopes that he has not proceeded.

As soon as I shall have examined and forwarded the militia muster and pay rolls, for the services performed last year, I shall return to the frontiers.

Your's, &c.

(Signed.)

CONSTANT FREEMAN.

*Copy of a Letter from the Secretary of War to his Excellency the Governor of Georgia, dated*

WAR DEPARTMENT, July 28th, 1794.

SIR,

IT is with great regret that the President of the United States has been lately informed that a considerable body of people, in the upper part of Georgia have associated themselves for the purpose of setting up an independent government, on the territory belonging to the Creek Indians, and of erecting forts from the Oconee to the Oakmulgee. We only understand in general here, that such a movement without the sanction of your government, is contrary to the laws, without being informed at the same time of the name and degree of offence in your criminal code.

Notwith-

Notwithstanding the formation of a new state cannot take place, without the consent of Congress, as well as the state concerned, and the United States on application of the legislature, or of the executive of a state, when its legislature cannot be convened, are bound to protect it against domestic violence; it might perhaps be proper to leave this attempt under its present circumstances, to the management of your own state, if it were not that the laws of the United States are infringed thereby. And yet, Sir, so serious a struggle as this against the authority of the state, and the erection of forts, (both of which steps may be so easily turned against the United States,) would be sufficient in themselves to call forth precautions on the part of the general government.

The President, however, entertains the most perfect reliance on your exertions to repel the mischief arising from this quarter.

But the government has its own obligations to fulfil on this occasion. The President is required, by a law of the United States passed the 28th February, 1793, entitled, "An act to regulate trade and intercourse with the Indian tribes," to take such measures as he may judge necessary to remove from lands belonging to any Indian tribe, any citizens or inhabitants of the United States, who make or attempt to make a settlement thereon.

We cannot expect to live in peace with these tribes, if individuals are at liberty to invade their lands. We cannot expect to bring them to the proper temper for any of the operations of government.

These considerations determine the President to meet the evil in the commencement, and he therefore requests your excellency to adopt the following line of conduct without delay.

1st. To warn by proclamation these disturbers of the peace, that they are offending against the laws of the United States and of Georgia, and that their attempts will be repelled by military force.

2d. To embody such parts of your militia as may be necessary to accomplish the business with decision.

3d. To call upon the commanding officer of the Federal troops in Georgia, who is instructed to obey your excellency's orders, to co-operate in the removal of these settlers from the Indian lands.

The foregoing is founded on the supposition of the intelligence stated at the head of the letter being true. Indeed it  
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is supposed to be known to your excellency to be true. If it be not of the magnitude represented here, still a monitory proclamation seems to be expedient, and upon the whole of this affair it is confided to you to render your efforts commensurate with the necessity, so as in the most complete manner to avert the evil which threatens the United States from these turbulent spirits.

The President moreover requests your excellency to communicate to him at the earliest possible moment, the actual state of things in your quarter, and particularly to note whether it will be necessary to resort to the militia of any other state for aid. The Attorney of the United States for the district of Georgia will receive your commands and be ready to institute prosecutions in any cases, which you may be pleased to lay before him.

*Copy of a Letter from the Secretary of the Treasury to his Excellency the Governor of Georgia, dated*

WAR DEPARTMENT, September 25th, 1794.

SIR,

IN the absence of the Secretary at War, I have the honour to acknowledge the receipt of your letters to his department of the 5th, 19th, and 30th of August, and to reply to such parts as are the most pressing, referring the others to the return of that officer.

Among the posts which have been established, that at Doctor's-town creates a question, in consequence of Lieutenant Colonel Gaither's information, that it is within the Indian boundary. This is a matter which ought to be unequivocally ascertained, and if found to be within the Indian line, or if it be even doubtful, whether that be the case, the post must be immediately removed. It is deemed essential that no encroachment should take place. And your Excellency is relied upon for a strict and scrupulous adherence to this principle.

Under the circumstances which led to it, the President has thought proper to authorize the adoption by the United States of the new troop ordered by you into service from the time of its commencement, and to continue until the first of November ensuing, when it is to be disbanded.

And you are at liberty, if the state of things shall render it in your judgment essential to substitute at that time a company of infantry for the same service. Corps of horse, upon the terms on which that in question is engaged, are expensive in  
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the extreme, and in a much greater proportion compared with infantry, than any supposable superiority of usefulness can justify. Indeed it would require a treasury much better supplied than that of the United States to support the expence of a multiplication or extension of such corps. Consequently, that multiplication or extension would tend to defeat its own object; for our instruments of defence to be durable must be relative to our means of supporting them. And when we find, as in the instance of the insurrection now existing in the western parts of Pennsylvania, that those for whose immediate benefit the objects of military expenditure occur, are amongst the first to resist even to violence the necessary means of defraying them, it is easy to appreciate the perplexing dilemma, to which the government is reduced, between the *duty* and the *means* of affording protection; and the necessity, consequently, of economy in the modes of effecting it.

Your Excellency is pleased to express your concern at being so repeatedly compelled to solicit protection for the state of Georgia. This is not understood as implying any want of due disposition on the part of the executive of this government to afford all the protection which is within the compass of the means placed within its power, having regard to all the objects which, along a very extended frontier, equally demand attention. It is not doubted that you render justice in this respect to the views of the executive.

But the observation you have made in this particular, naturally leads to another, which calls for the most serious attention of the governments of the States exposed to Indian depredations. It is this, that there is a reciprocal duty in the case. The obligation upon the United States to afford adequate protection to the inhabitants of the frontiers, is no doubt of the highest and most sacred kind. But there is a duty no less strong upon those inhabitants to avoid giving occasion to hostilities, by an irregular and improper conduct, and upon the local governments sincerely and effectually to punish and repress instances of such conduct, and the spirit which produces them. If these inhabitants can, with impunity, thwart all the measures of the United States for restoring or preserving peace, if they can with impunity commit depredations and outrages upon the Indians; and that in violation of the faith of the United States, pledged not only in their general treaties, but even in the special, (and among all nations, peculiarly sacred) case of a safe conduct, as in the instance of the attack upon the Indians, while encamped within our protection, on the tenth of May last, can it be surprising, if  
 4 such



such circumstances should abate the alacrity of the national councils to encounter those heavy expences, which the protection of the frontiers occasions, and of the readiness of the citizens of the United States, distant from the scenes of danger, to acquiesce in the burdens they produce? It is not meant by these remarks to diminish the force of the excuse, within due limits, which is drawn from the conduct of the Indians, towards the frontier Inhabitants. It cannot be denied that frequent and great provocations, to a spirit of animosity and revenge are given by them; but a candid and impartial survey of the events which have from time to time occurred, can leave no doubt that injuries and provocations have been too far mutual; that there is much to blame in the conduct of the frontier inhabitants, as well as that of the Indians. And the result of a full examination must be, that unless means to restrain by punishing the violences which those inhabitants are in the habit of perpetrating against the Indians, can be put in execution, all endeavours to preserve peace with them must be for ever frustrated.

An example worthy of imitation, in its spirit, has lately been given by the surrender to Governor Blount of some Indians who lately committed a murder upon one John Ishan, an inhabitant of the South-western Territory; and who have been tried and executed. The record of such an example of justice and fair dealing will give occasion to us to blush, if we can cite no instance of reciprocity, amidst the numerous occasions which are given for the exercise of it.

These reflections your excellency may be assured, are merely designed to present to consideration some very important truths; truths, a due attention to which are of the most serious concern to those states which have an exposed frontier. To give full weight to their claims upon the exertions of the union to afford the requisite protection, it is of great moment to satisfy the United States, that the necessity for them has not been created, or promoted by a culpable temper, not sufficiently restrained, among those to whom the protection is immediately to be extended.

The President learns with great pleasure, the measures your excellency had begun and was about to pursue for the removal of the settlers under General Clark. It is impossible to conceive a settlement more unjustifiable in its pretexts or more dangerous in its principle, than that which he is attempting. It is not only a high-handed usurpation of the rights of the general and state governments, and a most unwarrantable encroachment upon those of the Indians, but proceeding upon  
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the idea of a separate and independent government, to be erected upon a *military* basis, it is essentially hostile to our republican systems of government, and is pregnant with incalculable mischiefs. It deeply concerns the great interests of the country that such an establishment should not be permitted to take root, and that the example should be checked by adequate punishment, in doing which, no time is to be lost, for such is the nature of the establishment, that it may be expected rapidly to attain to a formidable magnitude, involving great expence and trouble to subvert it.

The President therefore depends absolutely upon measures equally prompt and efficacious to put an end to it.

Mr. Haberham, agent for supplies, is instructed to co-operate, and the Governor of South-Carolina is requested to afford upon your application the aid of the militia of that state, if circumstances, as does not appear probable, should require it.

No agreement or arrangement, which may be made, or pretended to be made, between these settlers and the Indians, ought to be suffered to make any alteration in the plan of suppressing the settlement, for no such agreement or arrangement can possibly be legal, or considering the manner in which the settlement has been commenced can, without affording a most pernicious example, receive the future sanction of government.

You desire instructions with regard to the prisoners that may be made, in the event of the employment of force. You will be pleased to cause them to be delivered over to the custody of the judiciary, and in preference to that of the United States; as their laws define and prescribe particular punishments in such cases.

(Signed.)

ALEXANDER HAMILTON.

*Copy of a Letter from the Governor of Georgia, to the Secretary of War.*

State-house, Augusta, 19th August, 1794.

S I R,

I HAD the pleasure to receive your communication of the 28th ultimo, this day, and it is with real regret I inform you, that the information therein contained is in a great part too true. Some time in May, I learnt that settlements were making on the south-west side of the Oconee. The supposition then was, that the adventurers were part of those who had embarked

barked in the French interest, and that, in a short time, they would of themselves disperse; but finding that not to be the case, and fearing lest they might contemplate a serious settlement, I, on the 20th of May, ordered General Irwin to direct the settlers immediately to remove. Soon after I was informed the removal had taken place. On the 14th of July I received a letter from Lieutenant-Colonel Gaither, stating, that Elijah Clark, late a major-general in the militia of this state, with a party of men, had encamped on the south-west side of the Oconee, opposite to Fort Fidius. On the 24th, General Irwin sent a couple of officers to Clark, with orders for him to move off immediately, which he positively refused; and on the 28th, I issued a proclamation, forbidding such unlawful proceedings. I also wrote to one of our judges to issue his warrant, and have Clark apprehended. At the Supreme Court in Wilkes county, I am informed he surrendered himself to the judge, who, on consulting with the attorney-general, referred him to some of the justices of the county. A copy of their decision is herewith enclosed, and from which there is reason to conclude there are too many who think favourably of the settlement; but I still flatter myself a large majority of the citizens are opposed to such lawless acts.

Inclosed is a copy of my instructions to Captain Fauche who commands the troop, I informed you in my letter of the 5th instant, I had called into service. It will be necessary, I conceive, for the captain to be reinforced with another troop, which I shall immediately order, and with which I am hopeful the objects of his command will be effected. Should it prove otherwise, I shall lose no time in having recourse to a sufficient military force, for however unpleasant the task may be of shedding the blood of acquaintances, and those whom we wish to view as fellow citizens, yet the President may rest assured no exertions on my part shall be wanting.

Herewith I transmit a copy of a talk I sent lately to the Creek Indians, and a copy of a deposition of William Jones, taken by Judge Walton. I sincerely wish it had been in my power to have given a more pleasing account of the situation of things in this quarter.

(Signed) GEO. MATHEWS.

*Discharge of General Clark by the Justices of Wilkes County.*

State of Georgia, Wilkes County.

WHEREAS a proclamation was issued on the 28th day of July last, by his Excellency George Mathews, Esquire, Governor of this state, stating that Elijah Clark, Esquire, late major-general of the militia of this state, has gone over the Oconee river, with an intent to establish a separate and independent government on the lands allotted for the Indians, for their hunting grounds, and commanded, in the said proclamation, all judges, justices, sheriffs, and other officers, and all the other citizens of this state, to be diligent in aiding and assisting in apprehending the said Elijah Clark, and his adherents, in order that they might severally be brought to justice; and whereas the said Elijah Clark, who is the object of the said proclamation, hath this day personally appeared before us, the undersigned justices of the peace for the county of Wilkes, and surrendered himself into custody, and it being our duty to do speedy justice to the said state, as well as the party charged, we proceeded to the most mature consideration of the cause, and after an examination of the laws of this state, and the treaties made, and laws passed by the United States, do give it as our decided and unanimous opinion, that the said Elijah Clark be, and is hereby discharged.

(Signed) R. WOVSHAM, J. P.

R. CHRISTMAS, J. P.

True Copy,

G. WOOLDRIDGE, J. P.

Attest,

WM. BELL, J. P.

J. MERIWETHER, Sec. E. D.

*Instructions for Captain Fauche.*

SIR,

State-house, Augusta, 30th July, 1794.

You will recruit a troop of horse, to consist of (besides commissioned officers) six serjeants, six corporals, one farrier, one trumpeter, and eighty-six privates, and station a sub-serjeant, a corporal, and twenty dragoons, at each of the following places, viz. Waffords, the High Shoals of the Appalatchie, Fort Twiggs, and the White Bluff. A serjeant and six dragoons you will send to Phillips' Mile Shoal. The detachment at Waffords will perform as constant a scout to Ward's station on Tugalo, and the Hurricane Shoals of the Oconee, as station

the horses are capable of. That at the High Shoals of the Appalatchie will in like manner scout to the Hurricane Shoals, and to the mouth of the Appalatchie; that at Fort Twiggs to the mouth of the Appalatchie and to Fort Fidius; and that at the White Bluff to Fort Fidius and Karr's Bluff. You will take care to render the citizens every protection in your power, and endeavour to prevent parties of men from crossing the temporary line, except in cases where they are in pursuit of Indians that have committed murder, or stolen property. In those cases you will use your best exertions to recover the property, and chastise the offenders.

You will be particularly vigilant in preventing provisions or parties of men from being thrown into the posts which have been established without authority, by Elijah Clark, Esquire, on the south-west side of the Oconee; and in case either should fall into your hands, you will take them to the nearest magistrate, in order that the men may be bound over to their good behaviour, and the provisions subjected to a legal adjudication. You will conduct yourself with the greatest circumspection, and in no instance commit an act of hostility, unless in self preservation.

You are to inform Lieutenant-Colonel Gaither you will receive his orders in any emergency that may occur.

Should any Indians come on the Frontiers in a friendly manner, for the purpose of restoring prisoners or property, you will treat them with friendship and attention.

Your knowledge as an officer renders it unnecessary for me to urge the necessity of a strict discipline being observed in your troop.

True Copy,  
Attest, I. MERIWETHER, Sec. E. D

*To the Head-men and Warriors of the Creek Nation.*

State-house, Augusta, 11th August, 1794.

FRIENDS AND BROTHERS,

I HAVE received three talks from your land by Mr. Mordecai, part of which I take well; others I am at a loss what they mean.

When your headmen were at New-York, and made peace with General Washington, the great warrior of America, I was there. Agreeably to that treaty, the river Appalatchie, or Tulapaka, was agreed to be the temporary line between your nation and the people of Georgia. Some goods were promised to you, which you received, and you were to make a plain line between our people and yours. This you failed to do. Some

time after, General Washington, your father, heard you were poor, and wanted bread for your squaws and children. To relieve you from want, he sent you corn to St. Mary's, for which he asked nothing. Agreeably to his promise, a store was opened there for you to trade to, as your father hoped by this kind treatment that the good men of your nation would return the property you promised at the treaty at New-York, run the line, and be at perfect peace and friendship with all white people of the United States.

After all this kindness, what have your nation done? You have not returned our prisoners, nor restored our property; nor acted as friends. The men that kept the store for you to trade to, were killed by your people, and the goods carried into your land. You have not punished the men that did this, or given any satisfaction for the injury done. John Golphin was the main hand in those murders and robberies. Major Seagrove informed me last winter he was condemned to die in your land, and had fled to the Spaniards. I am informed he is now returned as their agent, and wishing to disturb your land with bad talk, and wants you to go to war with the United States. This is Mr. Panton's doings. He wishes to have all your trade, and make you give what prices he pleases to ask you for his goods. *Does your father, General Washington, order any of his agents to ask you to make war on any other nation? No; he is too good a man to do it. He wishes to see you and all nations at peace and friendship.* You have killed many of our citizens, and carried away a great number of our horses, cattle, and negroes. All this your father General Washington has borne with, from a wish to be the friend of your nation, and all the *white*\* people, as he is to all white ones. As a proof of this, he sent Major Seagrove into your land last winter, to see if peace was to be restored. You told Mr. Seagrove you were for peace, and that you would give up the prisoners and negroes, and return the property; but in the spring when he returned, he only brought four prisoners, and none of our negroes or property. After so many disappointments on your part, ask yourselves, what your father General Washington, or the people of Georgia have to expect from you. On his part, all the goods that were promised you have been given, and a wish still remains to keep the path open and white; and with your nation it rests, whether it shall be so or not. If you return to us our prisoners and property, restrain your bad men from stealing our horses, all will be peace, and General Washington will open a trade to

\* Perhaps it should be *red*.

your land, when you may have goods for one-fourth less than you now give Mr. Panton for them, and get more for your skins and furs.

In one of your talks, you say a ship of Mr. Panton's is taken, that was bringing your goods, and ask whether we are at war with the British and Spaniards. To which I answer, we are neither at war with the British nor Spaniards, or know or care any thing about Mr. Panton or his ship. The British and Spaniards are at war with your fathers the Frenchmen, who have taken a great many of their ships, and it is possible Mr. Panton's is one of them.

#### FRIENDS AND BROTHERS,

In wars between white people, I would advise you to take no part. Peace is best for you. Carry your skins and furs to the nation that will give you most for them, and let you have goods cheapest, for compared with any white nation, you are a poor and weak people. You cannot make your own cloaths, nor guns that kill your provisions, nor your powder or lead; therefore you are in need of the assistance of white people; and should make it your study to be at peace with them all; and when any white men wish you to go to war on their account, they wish to ruin your nation.

You ask about forts on the Appalatchie, or Tulapaka. There are two forts built by my orders on that river. I told the White Bird king last winter at Ford Fidius I would build them. Our situation with the Cherokees required it. They are on the north side of the river, and on the land that was given by your nation at the treaty at New-York, for which you have been paid, and cannot see why you complain of it. By that treaty your nation is to receive twelve hundred dollars a-year for the lands, which is ten times as much as all the game you can kill on it in one year is worth. I cannot see how your nation can dispute the river's being the line, as it was agreed on at three treaties in Georgia, and the one at New-York. At the one at New-York, all your warriors that met General Washington, your father, in the great Council house, where the old men of the United States sit to make laws for the whole nation [*agreed to it*\*.] The treaty you had signed was read and interpreted, and General Washington on his part, for the United States, promised to perform it, and all your warriors then promised

\* The words enclosed are supplied by the editor. They seem requisite to complete the meaning of the sentence.

the same on the part of your nation. From this it appears to me, you only wish to treat with a view to get presents, and have no intention of complying with any part of your treaties. The fort you complain of on the Oconee is not built by my orders, nor your father General Washington; it is done by men that are acting without any authority. I am informed they intend to rent the land of you; but if you don't chuse to let them live on it, and you will comply with your treaties, by giving up our prisoners and restoring our property, you need not be uneasy about them. Your father General Washington will have them put off of it. You talk of two men you had killed on the Oconee last winter. I might tell you of many.

You have killed our people; but I refrain doing so. If we wish to have peace, we must not think of matters that are past. We must pull up a large oak tree, bury the bones of those that have been killed on both sides under it, then plant the tree, that it may grow in remembrance of our being one people. Then, when we meet in the woods, we will eat and drink together friends, and not wish to kill one another.

You say you are afraid we wish to take all your land; that it is your father, and can't spare it. If you will be at peace, we want no more of your land. It is a father to us as well as you. By plowing and planting, it gives bread and meat to our wives and children, and gets us all the goods we want. But when your bad men steal our horses, we cannot plough, and work our land, and our wives and children want meat and clothes. Therefore, when you steal our horses, you rob us of what our father the land gives us.

FRIENDS AND BROTHERS,

Open your ears, and hear now what your father says to you. If you stain our land again with blood, your father General Washington will not think of peace with you again. Your land will be the seat of war, and you will have no place of safety for your squaws and children; but if you listen to the talk of peace I now send you, and return our prisoners and property, I will write to your father General Washington to open a trade with you, so that your nation may be supplied with every thing you want. We live in the same land, and under the same sun; therefore good sense and reason say we should be friends. Major Seagrove, your friend, has gone to see your father General Washington. He was sick for some time after he left your nation. Therefore you must not expect to see him as soon by two moons as he told you.

True Copy, Attest, I. MERIWETHTR, Sec. E. D.

*Deposition*



*Deposition of William Jones, Georgia.*

WILLIAM JONES, of the county of Wilkes, in the State aforesaid, being duly sworn maketh oath and faith, that about four months ago, he was employed and did go through the Creek country, to carry a letter to Ford, Reid, and Co. at Pensacola, from Willing, Morris, and Swanwick, of Philadelphia; that arriving at Pensacola, the Lieutenant Governor directed him to go to the principal Governor at New Orleans, which the deponent did; that returning from New Orleans, and arriving at Pensacola about four weeks since, he there saw Colonel Brown and Colonel Richard Paris, of and from the island of New Providence, *with letters from Lord Dunmore to the Governor of Pensacola, to obtain a passport to the CREEK COUNTRY*, which letters he saw delivered; and that the deponent understood *they had a large quantity of goods for THE CREEKS*, and was told by Baillie China, and the Indian trader Russel, that they were *to hold a treaty with THE CREEK NATION*. The deponent further faith, that from the above facts, and the circumstance of *the apparent gladness of THE TORIES*, who fled from the States and live there and at Tom Bigby, he supposes they were on a *public embassy*, and not on a trading scheme.

The deponent upon his said oath, further faith, that the house of Panton, Leslie, and Forbes, lately sent a parcel of good to the Chickasaw country, and that the Mountain Leader had seized them, and made prisoners of the traders, alleging a treaty with the United States; and the deponent heard that their goods were also sent by the direction of the said Brown and Paris.

(Signed) WILLIAM JONES.

*Sworn to in Severn County, }  
the 15th day of August, 1794. }*

In addition, the deponent further faith, that although he had been promised a pass to return to Georgia, *after the arrival of Brown and Paris*, he was refused, otherwise than circuitously by water.

Sworn as above, before me,

GEO. WALTON.

One of the Judges of the Superior  
Court for the body of the said State.

Taken from the original,

EDWARD WATTS, Sec. E. D.

*Copy*

*Copy of a letter from his Excellency the Governor of Georgia, to the Secretary of War :*

State-house, Augusta, 30th August, 1794.

SIR,

NOTHING extraordinary has taken place since my communication to you of the 19th instant.

I have to request the President's instructions with respect to the prisoners which may fall into my hands in the event of a military force being employed against the settlements forming on the south-west side of the Oconee. Inclosed I send you a printed copy of Judge Walton's charge to the Grand Jury of the county of Richmond. I feel myself much indebted to the Judge for his spirited exertions on this occasion.

I have furnished General Twiggs with copies of that charge, the solicitor-general's opinion, and your letter, and directed him, to repair to the settlements before alluded to, and after explaining the nature of his mission, to order the settlers immediately to remove. Should the order not be obeyed, I shall lose no time in drawing together a force adequate to compelling them.

I have no doubt of your having instructed the agent of supplies to direct the contract or to furnish what may be wanting in the commissary's and quarter master's department.

(Signed) GEO. MATHEWS.

*Judge Walton's Charge to the Grand Jury of Richmond county, State of Georgia.*

GENTLEMEN of the GRAND JURY,

THE Eastern Circuit, for the present summer ended in Burke. The term for this county being appointed to be held after all the rest, it is to be considered as the court at which the Judges are met to decide on cases reserved for consultation, and by an union of session to assimilate the doctrine and practice of the circuits, and to close the whole in like manner as it used to be in Burke.

With the knowledge and experience of this usage, and with this construction of the intention of the legislature, I do propose to share the labours and responsibility of office with my Brother Smith upon the present occasion.

I shall do this the more readily, because the moment is eventful ; because the eyes of the Union are necessarily turned towards

towards this State, and because it is disgraceful for public men to shrink from the duties of their appointment.

In addition to the presentment of the Grand Juries for the counties of Chatham and Burke where I presided, I have seen in the public prints, that it is alleged by the executive department of government, that certain and divers persons have gone over the temporary boundary line, between the white and Indian inhabitants of this State, "with intent to establish a separate and independent government on the lands allotted to the Indians for their hunting grounds;" that the proclamation in which this is alleged, warns the citizens from engaging in such unlawful proceedings, and commands and requires all judges, justices, sheriffs, and other officers, to be aiding and assisting in apprehending and bringing them to justice.

What has been done in pursuance of this proclamation I know only from general report and the public prints. These state that General Clark, who is at the head of the enterprise, surrendered himself at Washington in the county of Wilkes, during the sitting of the Superior Court, to a justice or justices of the Peace, and was discharged as having offended against no known law.

Not having been in the way to act, and duly respecting the presentments of the grand juries before-mentioned, as well as the executive department, and the government of the United States, I consider it a duty I am not at liberty to dispense (*with*), as one of the Judges of the Republic, to state this case in my place for your information, and that of my fellow-citizens at large.

In doing this, I feel myself moved by no other considerations than those of the public law and order, the collective and individual rights of the citizens, and the obligations of office. With the gentleman who directs this enterprise I have been a long time in the habits of regard and friendship; I have known his virtues and have esteemed them. In the long and arduous war which produced our liberty and independence, he stands high in the lists of revolutionary patriots and soldiers. But he himself will forgive and justify me in detailing the laws against a scheme which tends to undermine the fair fabric he contributed to raise, and to subvert the order of that society (*of which*) he has been so long an useful member.

It was in a former charge to the grand jury at Washington, in Wilkes county, in the summer western circuit of the year 1792, that I had occasion before to treat of this subject. It was then, and at that place, that I stated the existing laws against encroachments on the Indian hunting grounds belonging

ing to this State; and before a very large assemblage of the citizens, and which the present occasion demands to be repeated.

Before the revolution the laws imposed the severest penalties upon these encroachments. But, as there succeeded a new order of things, we will confine our attention to the acts which which have been passed since.

Immediately after the peace, a law passed at Savannah for opening the land-office, dated the 17th day of February, 1783. and which contained the following clause: "And be it further enacted, that all surveys which have or may have been made, or lines run by any means or under any pretence whatever, beyond the present temporary boundary line within this State, between the white inhabitants and the Indians belonging to the same, or on any part of the lands not already laid out into counties, but allowed to remain as hunting grounds for the Indians at present, shall, and the same is and are hereby declared to be null and void to all intents and purposes, as though such surveys or lines had never been made; and all and every person and persons whatsoever, who shall hereafter survey or assist in surveying, or procure to be surveyed and marked with lines, any of the lands above described, whereon the Indians are allowed to hunt for their support, or who shall obtain or attempt to obtain a grant for the same, before such lands are taken within the boundary of the white inhabitants of this State, and the mode of granting such lands so to be taken in, be agreed and determined on by the legislature, and published by proclamation, all and every such person and persons shall forfeit and pay a penalty of twenty shillings for every acre of land, he, she, or they shall so run, or attempt to run or obtain, or attempt to gain a grant for, which said penalty shall be recovered in any court of record or conscience (according to the amount thereof) within the State, and shall be for the use of any person or persons who will inform of and sue for the same, either by way of information or action; and if the person or persons against whom a judgment shall be obtained for any penalty as aforesaid, shall be unable to pay the same, or will not produce property whereon the Sheriff may levy to the amount thereof, he, she, or they, shall be liable, and the justices of the county where such cause shall be tried, shall order him, her, or them, into close confinement without bail or mainprize, for the space of two days for every twenty shillings the said penalty so recovered aforesaid shall consist of, and which shall remain unpaid, out of the property of the delinquent." And to another clause in the same act declaring the real boundary

boundary line of the State it is added, " Provided nevertheless that nothing herein before contained shall extend, or be construed to extend to authorise and empower any surveyor or other person or persons whatsoever to survey, run, or mark lines upon the lands before described as being allowed to the Indians for hunting grounds, or any part or parcel thereof, before or until permission for that purpose shall be granted by the legislature, and made known by proclamation."

Two years after this, on the 22d February, 1785, the legislature passed another act, having for object, among other things, the prevention of surveys being extended over the temporary boundary line. The clause respecting the latter is as follows: " And be it further enacted, by the authority aforesaid, that in case any surveys have been made, or grants obtained, for any lands lying and being without or beyond the lines of some one of the counties of this State already laid out, all and every such survey or grant shall be considered as fraudulent, and the same is hereby declared to be null and void; and the person or persons making such survey, or obtaining such grants, shall be prosecuted and punished agreeable to the 11th section of the said land act, passed the 17th February, 1783."

This doctrine was again repeated two years afterwards, on the 10th of February, 1787, in an act passed for the appointment of commissioners to run the line designating the Indian hunting grounds. By this act, fine and imprisonment for the first offence are added to the penalties herein before pointed out for marking, surveying, or attempting to survey or obtain grants beyond the temporary line, and the second is made felony.

It was some time afterwards, in the year 1791, the two branches of the legislature passed the following resolution: " Resolved, that the Judges of the Superior Courts of this State, or (*any*) one of them be required on proper information thereof being given to issue a warrant against any surveyor or surveyors, who have, or shall run any lands beyond the boundary line designating the Indian hunting grounds; so that they may be and appear before the superior courts in their respective counties to answer for such conduct."

Thus far on the part of this State. On that of the United States it is provided in the Federal Constitution, Sect. 3d, of Article 4th, " New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or part of States, without

without the consent of the legislatures of the States concerned as well as of the Congresses."

And in an act of Congress of the 1st March, 1793, is the following clause: "And be it further enacted, that if any such citizen or inhabitant shall make a settlement on lands belonging to any tribe, or shall survey lands or designate their boundaries by marking trees, or otherwise, for the purpose of settlement, he shall forfeit a sum not exceeding one thousand dollars, nor less than one hundred dollars, and suffer imprisonment not exceeding twelve months in the discretion of the Court before whom the trial shall be: And it shall moreover be lawful for the President of the United States to take such measures as he may judge necessary to remove from lands belonging to any Indian tribe, any citizens or inhabitants of the United States who have made, or shall hereafter make or attempt to make a settlement thereon.

The same act contains a clause prohibiting any purchases to be made, but through the agency of the United States.

Soon after the accession of all the States to the present Federal Constitution, I stated my doubts to a grand jury of Wilkes county as to treaties with Savages being of the same rank of those with civilized nations, and was inclined to be of opinion that they ought not to be considered in the list of supreme laws, and of equal efficacy with those in the statute book; but the construction of the United States has been otherwise. This has established it in law, in practice, and opinion; and it is my duty to acquiesce. It appears indeed that General Clark claims impunity from the tenor of an article in the treaty of New York, which gives to the Indians the right of repelling, and which it would seem he did not fear. That treaty therefore may, on every account, be fairly resorted to.

The fifth article of the said treaty is in the following words: "The United States solemnly guarantee to the Creek nation, all their lands within the limits of the United States, to the Westward and Southward of the boundary described in the preceding article." And the Creeks have lately demanded of the Governor, whether this settlement has been made with the knowledge and consent of the President.

Whether, therefore, we have reference to the laws of the United States, or of this State, the enterprise must be considered as illegal, and of course, liable to prosecution and penalty, if persisted in.

But

But independent of this, and regarding the persons engaged, as still our friends and fellow-citizens, it will not be amiss to state, that the lands, which are the object of their plan and their hopes, belong to the public, or State at large; and that all the citizens have an equal claim upon them, when they shall be made grantable, and of which they will be deprived by this anticipating monopoly. This is unjust, and this opinion has been of long standing with me.

In the charge before referred to is the following clause. "The motives which have uniformly governed the legislature, and induced it so often to repeat its prohibitions, were no doubt of a general nature; to preserve good faith with the Union, and peace with the savages, to prevent surreptitious grants, and the monopoly of vacant territory; but more especially that all the citizens should have equal and common right, when such territory is permitted by law to be taken up. Upon this occasion I will add, that it is well, at any time to be right; but it is still better to be uniform."

Should the spirit which generated the plan of this new settlement, still urge its pursuit, what mischiefs may it not produce to the community. A young country, scarcely recovered from former ravages, but with the means of progressive amplification and aggrandizement, to be involved in a civil war, with all the evils incident to it, will have the effect of arresting its progress, and putting it in the back of any present calculation.

It is already known that the President of the United States has directed, in the event of other means failing, that the settlement should be suppressed by military coercion. And shall the blood of citizens be spilled to support the pretensions of a small part of the people, pretensions without law, and resting not on the foundations of justice? But it is said they have expatriated themselves. This is neither fact, nor capable of being made so. The district, the object of their contemplation, is still Georgia; and they must be either citizens or insurgents. Would that these new settlers might attend to the voice of reason, of benevolence, and moderation, before they plunge themselves and their country in distress and trouble. A little time will extend our limits, and we shall then be all upon a footing.

But suppose that the State, from the recollection of the past services of the principal in this adventure, and a tender regard to his adherents (the United States out of view for the moment), should be disposed to wink at the establishment of this intended settlement, is the extent of the precedent perceived? The richest jewel the State of Georgia possesses, and the real  
basis.

basis of her future wealth and rank in the Union, is her western territory; and if one set of men should be permitted to take possession and keep a part of it without the consent of her government, will it not be an example of right for any other set of men to do the same with any other part, or with the whole of it.

Hence I conclude, that if General Clark has the same regard for the State he has heretofore given so many proofs of, he will desist from an enterprize so pregnant with evils to her. It is not to be wished, that the Federal government should have occasion to exert its power upon any such occasion. It might one day give colour to pretensions not consonant to the interests of the State. There ought to exist no fears at present; but who can keep pace with the progress of time, and of Revolution?

GENTLEMEN of the JURY,

I have now given a state of this case to you, and to the world. In doing it, I have done my duty; because I think so. At the seat of government, in the centre of business, and where courts so very frequently return, it is not necessary for me to add any thing upon your particular duties. Intend well, and act as you intend. Consult your oath, and be governed by it; and you cannot fail to do right.

(Signed) GEORGE WALTON.

Augusta, 26th August, 1794.

*Extract of a Letter from the GOVERNOR of GEORGIA, to the Secretary of War, dated State-House, Augusta, October 12, 1794; received November 8, 1794.*

MAJOR TWIGGS having returned from the settlements formed by Elijah Clark, on the south-west side of the Oconee, with a positive answer from Clark that he would not relinquish his enterprize, I lost no time in putting Brigadier-General Irwin in motion, with a sufficient detachment of militia to cut off the communication, and otherwise act as circumstances should require. I also ordered another detachment to hold themselves in readiness to march as soon as some heavy artillery could be brought from Savannah, but from the prudence and address of General Irwin, the marching of this detachment became unnecessary. He soon compelled the adventurers to propose relinquishing their unlawful attempts, and submit to the laws of their country. The posts are all burnt and destroyed, and the



whole business happily terminated without the loss of blood. I have the pleasure to inform you the militia on this occasion shewed a determined disposition to act with firmness, in support of the laws of their country.

Inclosed you will receive a copy of a deposition relative to some murders and depredations which have lately been committed by the Indians in Greene county. I have also received a letter from General Jackson, informing me of some negroes and horses which have been taken from Liberty county, and late accounts from the Creek nation state, that the Talissee King, and Broken Arrow, are both for war.

STATE of GEORGIA, }  
Greene County. } *The year and day hereafter specified.*

CAME before me Messrs. John Mikal, waggon-man, and Davis Harrison, of aforesaid State and county, and after being duly sworn, declareth that on the 30th of September, 1794, they both were near Fort Fidius, where a young lady of the name of Catharine Cessna had been just shot down, and on examination found a gun shot wound through her body, of which wound she died and had been scalped. They also declare having seen a negro wench which had received two gun-shot wounds, and was scalped, but had yet life in her; that by every circumstance they have reason to believe these horrid murders were committed by Indians; that they have heard the negro wench declare she saw five Indians, and that she was thus barbarously treated by them. The aforesaid deponents further said nothing.

*September 30, 1794.*

I do certify the above to be the truth, being there shortly after, and seeing the dead and wounded, and followed the trail of the said Indians some distance.

(Signed)

GEO. REID, J. P.

*Sworn to the above, }  
on the above date. }*

COPIES of the correspondence between the Governor of Pennsylvania, and the Secretary of War, relative to the establishment at Presqu'isle, were also communicated by the President to Congress along with the preceding articles, by his message of the 20th of November, 1794. They were accompanied by various communications respecting the dispositions of the Indians towards the United States, and the proceedings regarding the proposed establishment at Presqu'isle. These papers are too voluminous to be inserted in the present appendix. If the readers of this work are desirous for their publication, they will perhaps appear at some future time. That curiosity may not be entirely disappointed, a few passages of the intelligence concerning the Six Nations have been selected, to serve as a specimen of the rest.

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*Copy of a letter from GENERAL WILKINS to CLEMENT BIDDLE, Esquire, Quarter-Master General of Pennsylvania.*

Fort Franklin, 25th April, 1794.

DEAR SIR,

I ARRIVED at this place yesterday evening. There came a party along consisting of about forty men from Captain Denny's command, and thirty volunteers from the county of Allegheny. We proceed to-morrow to Cassawago. The news at this place is not favourable towards our establishment at Presqu'isle. All the persons most conversant with the Indians at this place, as well as the commanding officer of this fort, agree, that the Indians, *irritated by the British*, are meditating an opposition to the designs of government respecting that place. Cornplanter, and the other Indians on the Allegheny river, have been invited to a council at Buffalo Creek, to which place he and they immediately went; and on the result of that council, seems to hang peace or war between us and the Six Nations. *There have been a great deal of pains used lately by the English to sour their minds, and they seem in some measure to have effected it.* The claims of the Six Nations seem to rise as the Western Indians are successful against the army of the United States, and as the British promise to afford them assistance. This council to which the English has summoned, and the readiness with which the Indians obeyed the summons, promises no good towards this part of the country.

My

My intention is to proceed to Cassawago, and wait for further intelligence a day or two; and should a serious opposition seem to be meditating by the Indians, to proceed no farther with the stores until reinforced by more men, to enable the effecting an establishment at Le Beuf. The water is very low. It is with the utmost difficulty we will be able to go on with small canoes at present, but live in hopes that we shall have a rise in the water.

(Signed.)

JOHN WILKINS, JUN.

True Copy.

A. I. DALLAS, Sec.

[The following article is inclosed in a Letter from GENERAL GIBSON, to GOVERNOR MIFFLIN, dated

PITTSBURG, June 11th, 1794.]

*Deposition of D. Ransom, Allegheny County. ff.*

Personally appeared before me John Gibson, one of the Associate Judges for the above county, Daniel Ransom, who being duly sworn, deposeth and saith, that he this deponent has for some time past, traded at Fort Franklin with the Senecas and other Indians, and that a chief of the Senecas, named Tiawancas, or the broken Twig came there, and informed him the times would soon be bad, and advised him to move off his family and effects. On this he, this deponent, asked him how he knew the times would be bad. The Indian then informed him that *the British* and Indians had sent a belt of Wampum to him, inviting him to council at Buffaloe creek; that he had declined going, and that the messengers then informed him of the intended plans of the Indians. They said that the Cornplanter had been *been bought by the British*, and had joined them, that he the Cornplanter intended soon to come to Fort Franklin, on pretence of holding a council respecting the Indian who was killed by Robison, that there the British and Indians were to land at Presq' Isle, and then form a junction with Cornplanter on French creek, and were then to clear it, by killing all the people, and taking all the posts on it; that he so much affected as to shed tears, and said *what shall I do? I have been at war against the Western Indians, in company with Captain Jefferies, and killed and scalped one of them.*

*If I now go back to the Indians, after having discovered this, they will kill me.* He also informed this deponent, that a number of cannon\* had been purchased by the British and collected at Junnifadagoe, the town where Cornplanter lives at; for the purpose of conveying the Indians down the river.

He this deponent further saith, and the Standing Stone, a chief of the Onandagoes, also informed him at Fort Franklin, that he thought the times would soon be bad, and pressed him very much to leave Fort Franklin, and assisted him in packing up his goods, &c. that from what he (*had*) heard, and seen from other Indians, he has every reason to believe the above account to be true.

That seven white men came down the Allegheny a few days ago to Fort Franklin, who informed him, they saw the above mentioned cannons at Junnifadagoe, and that the Indians appeared very furly, and had not planted any corn on the river at their towns.

(Signed.)

D. RANSOM.

*Sworn and Subscribed at Pittsburg, }  
this 11th June, 1794, before me, }*

(Signed.) J. GIBSON.

A True Copy Attested.

(Signed.)

JOHN GIBSON†.

*Extract of a Letter from CAPTAIN DENNY, to GENERAL GIBSON, dated*

*14th and 16th June, 1794.*

Yours enclosing a copy of Polhemus's came yesterday. The Cornplanter's nephew arrived from the towns about the same time. He delivered a long speech from his uncle to Lieutenant Polhemus. Upon summoning up the whole, *we have not a shadow of doubt but that a plan was formed to destroy all the posts and settlements in this quarter.* It was all done upon the strength or prospect of a war between the Bri-

\* Perhaps this word should be canoes.

† It appears from another deposition, that Mr. Ransom had sufficient reason for his apprehensions. Three men were conducting his cattle from Fort Franklin to Pittsburg; two of them were murdered, and the cattle went back again.

tish and ———. *That* subsiding the other I am in hopes has also. *There is no doubt but the English will urge them to join the Western Indians, and have done every thing possible,* and perhaps a few may; but I rather think that unless we have war with them, will have none with the six nations generally.

The Cornplanter has gone to another council at Buffaloe. He set out the same time the nephew started for this place, and will return in about ten days. He says he is very sorry for the mischief done lately, and is extremely concerned at the account given of their going to take up the hatchet; says they are bad men that reported it, that it's a lie, and insists upon knowing who the information came from. As it is evident that a stroke was meditated, but now perhaps dropt, every apology which he can possibly make wont be sufficient to clear him of the imputation of a traitor.

Some of the nation say the English have bought O'Beal. We shall spend two days to come in helping Mr. Polhemus to put his garrison in some state of defence, for should any thing happen to it, we should fare the worse above.

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I have been thinking of you  
 and wondering how you are getting on.  
 I hope you are well and happy.  
 I have been very busy lately,  
 but I will try to write to you  
 more often. I love you very much.  
 Your affectionate mother,  
 Mrs. J. W. Smith.

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